

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 -----X

4 LETICIA FRANCINE STIDHUM,

5 Plaintiff,

6 -against- CASE: 21-CV-07163

7 161-10 HILLSIDE AUTO AVE, LLC d/b/a HILLSIDE
8 AUTO OUTLET, and HILLSIDE AUTO MALL INC
9 d/b/a HILLSIDE AUTO MALL, ISHAQUE THANWALLA,
JORY BARON, RONALD M. BARON and ANDRIS GUZMAN,

10 Defendants.

11 -----X

12 March 03, 2023

13 10:00 A.M.

14
15 VIRTUAL EXAMINATION BEFORE TRIAL of
16 JORY BARON, via Zoom, a Defendant herein,
17 held at the above-mentioned time and taken
18 before Lynn Luckman, a Notary Public and
19 Shorthand Reporter within and for the State
20 of New York.

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22
23 SANDY SAUNDERS REPORTING
24 254 South Main Street, Suite 216
25 New City, New York 10956
(845) 634-7561

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4</p> <p>5 TROY LAW, PLLC</p> <p>6 Attorneys for the Plaintiff</p> <p>7 41-25 Kissena Boulevard, Suite 103</p> <p>8 Flushing, New York 13555</p> <p>9 BY: Tiffany Troy, Esq.</p> <p>10</p> <p>11 MILMAN, LABUDA LAW GROUP, LLC</p> <p>12 3000 Marcus Avenue, Suite 3W8</p> <p>13 Lake Success, New York 11042-1073</p> <p>14 BY: Emanuel Kataev, Esq</p> <p>15 emanuel@mllaborlaw.com</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 FEDERAL STIPULATIONS</p> <p>2</p> <p>3 IT IS HEREBY STIPULATED AND AGREED by</p> <p>4 and between counsel for the respective parties</p> <p>5 hereto that all objections except as to the</p> <p>6 form shall be reserved to the time of trial.</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that the sealing and filing of this deposition</p> <p>9 shall be hereby waived.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that this examination may be sworn to by the</p> <p>12 witness being examined before a notary public</p> <p>13 other than the notary public before whom</p> <p>14 examination was begun examination was begun.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 4</p> <p>1 Jory Baron</p> <p>2 BY THE COURT REPORTER:</p> <p>3 The attorneys participating</p> <p>4 in this deposition</p> <p>5 acknowledge that I am not</p> <p>6 physically present in the</p> <p>7 deposition room and that I</p> <p>8 will be reporting this</p> <p>9 deposition remotely. They</p> <p>10 further acknowledge that, in</p> <p>11 lieu of an oath administered</p> <p>12 in person, I will administer</p> <p>13 the oath remotely. The</p> <p>14 parties and their counsel</p> <p>15 consent to this arrangement</p> <p>16 and waive any objections to</p> <p>17 this manner of reporting.</p> <p>18 MS. TROY: I consent</p> <p>19 MR. KATAEV: I</p> <p>20 consent.</p> <p>21</p> <p>22</p> <p>23 * * *</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Jory Baron</p> <p>2 MS. TROY: Mr. Kataev,</p> <p>3 will you please have your</p> <p>4 witness show his ID to me?</p> <p>5 MR. KATAEV: Why is this</p> <p>6 necessary?</p> <p>7 MS. TROY: Because, it is</p> <p>8 acceptable in a video</p> <p>9 deposition; how else can I</p> <p>10 know who it is?</p> <p>11 MR. KATAEV: I'll</p> <p>12 represent to you that it is</p> <p>13 Jory Baron. Okay, please</p> <p>14 proceed with your deposition.</p> <p>15 MS. TROY: For the record,</p> <p>16 Mr. Kataev wanted to switch</p> <p>17 the witnesses, he switched</p> <p>18 the witness that I had</p> <p>19 requested for today. I asked</p> <p>20 for the ID, and apparently</p> <p>21 Mr. Kataev was advised that I</p> <p>22 asked for his ID to be</p> <p>23 presented today. I made a</p> <p>24 request for him to bring his</p> <p>25 ID to the deposition so that</p>

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<p>1 Jory Baron</p> <p>2 I could confirm who he is.</p> <p>3 I'm going to make a demand</p> <p>4 for Mr. Baron's driver's</p> <p>5 license. We're going to mark</p> <p>6 that deemed marked as</p> <p>7 Plaintiff's Exhibit 13.</p> <p>8 (Plaintiff's Exhibit 13 was</p> <p>9 deemed marked for</p> <p>10 identification)</p> <p>11 MR. KATAEV: Please</p> <p>12 follow-up in writing.</p> <p>13 MS. TROY: Please have him</p> <p>14 go to his car to get his ID.</p> <p>15 MR. KATAEV: He is not</p> <p>16 going to go to his car to get</p> <p>17 his ID.</p> <p>18 MS. TROY: I need to have</p> <p>19 his ID to confirm who he is.</p> <p>20 MR. KATAEV: I'll</p> <p>21 represent it to you that he</p> <p>22 is Jory Baron.</p> <p>23 MS. TROY: Please show me</p> <p>24 his ID.</p> <p>25 MR. KATAEV: You can call</p>	<p>1 Jory Baron</p> <p>2 the Court and let's get a</p> <p>3 decision on this.</p> <p>4 MS. TROY: All right. We</p> <p>5 are going to do that.</p> <p>6 MR. KATAEV: This is</p> <p>7 harassment.</p> <p>8 (A phone call was being made</p> <p>9 to the Court at 10:03 a.m.)</p> <p>10 MS. TROY: I will put it</p> <p>11 on the speaker so that you</p> <p>12 can all hear.</p> <p>13 (A call was made at 10:06</p> <p>14 a.m.)</p> <p>15 And we are still waiting.</p> <p>16 I've now put it on speaker</p> <p>17 phone and I'm going to go</p> <p>18 mute myself also. Let's go</p> <p>19 off the record.</p> <p>20 (A discussion was held off</p> <p>21 the record)</p> <p>22 "MS. TROY: Good morning,</p> <p>23 Your Honor. This is</p> <p>24 plaintiff's counsel, Tiffany</p> <p>25 Troy, and I'm appearing on</p>
Page 8	Page 9
<p>1 Jory Baron</p> <p>2 behalf of the plaintiff,</p> <p>3 Leticia Stidhum.</p> <p>4 MR. KATAEV: Good morning,</p> <p>5 Your Honor. My name is</p> <p>6 Emanuel Kataev and I am with</p> <p>7 the law firm of Milman Labuda</p> <p>8 Law Group LLC, for the</p> <p>9 defendants.</p> <p>10 THE COURT: Good morning,</p> <p>11 Ms. Troy and Mr. Kataev. Let</p> <p>12 the record reflect that this</p> <p>13 is not a scheduled</p> <p>14 conference, and you have now</p> <p>15 called at the start of a</p> <p>16 deposition for the defendant</p> <p>17 Jory Baron.</p> <p>18 Ms. Troy, I was told by my</p> <p>19 law clerk, and I want to make</p> <p>20 the record clear, I got the</p> <p>21 reason for the call that Mr.</p> <p>22 Kataev would not have his</p> <p>23 witness produce any</p> <p>24 identification; is that</p> <p>25 correct?</p>	<p>1 Jory Baron</p> <p>2 MS. TROY: Yes, Your</p> <p>3 Honor.</p> <p>4 THE COURT: Mr. Kataev,</p> <p>5 why won't Mr. Baron produce</p> <p>6 his ID?</p> <p>7 MR. KATAEV: Good morning,</p> <p>8 Your Honor. The reason why</p> <p>9 Mr. Baron, is not giving his</p> <p>10 ID is because I've made a</p> <p>11 representation to the</p> <p>12 plaintiff that this is in</p> <p>13 fact Jory Baron. There is no</p> <p>14 issue of mistaken identity or</p> <p>15 --</p> <p>16 THE COURT: Why won't he</p> <p>17 produce his ID? I'm asking</p> <p>18 you the question, and he does</p> <p>19 and Ms. Troy does not have to</p> <p>20 take your representation.</p> <p>21 Why won't he produce some ID?</p> <p>22 MR. KATAEV: I'm objecting</p> <p>23 to the ID, I have authority</p> <p>24 on my objection that she has</p> <p>25 no right to --</p>

<p style="text-align: right;">Page 10</p> <p>1 Jory Baron</p> <p>2 THE COURT: I am</p> <p>3 overruling your objection,</p> <p>4 Mr. Kataev.</p> <p>5 MR. KATAEV: Judge --</p> <p>6 THE COURT: Excuse me,</p> <p>7 sir. Please don't interrupt</p> <p>8 me. If we have to do this</p> <p>9 in-person we will do that.</p> <p>10 There is a fight between the</p> <p>11 lawyers at every turn in this</p> <p>12 case and I will not tolerate</p> <p>13 that. It is a waste of</p> <p>14 everyone's time, and I've</p> <p>15 been asked at the last minute</p> <p>16 to effectuate a substitute,</p> <p>17 Mr. Kataev, this morning and</p> <p>18 I granted that wish to you as</p> <p>19 a courtesy to you even though</p> <p>20 it was objected to.</p> <p>21 I am now telling you Mr.</p> <p>22 Kataev, that he should</p> <p>23 produce some ID to show that</p> <p>24 he is Jory Baron. That is my</p> <p>25 ruling, do you understand?</p>	<p style="text-align: right;">Page 11</p> <p>1 Jory Baron</p> <p>2 MR. KATAEV: I understand</p> <p>3 the ruling, but I would still</p> <p>4 like to make a record about</p> <p>5 my objection.</p> <p>6 THE COURT: Again, sir,</p> <p>7 this is a deposition and you</p> <p>8 need to follow the Magistrate</p> <p>9 Judge. Your witness does</p> <p>10 have to show that he is who</p> <p>11 he says he is. What is this</p> <p>12 about?</p> <p>13 MR. KATAEV: I will</p> <p>14 explain to you if you'll</p> <p>15 allow me to explain it, I am</p> <p>16 entitled to have an</p> <p>17 opportunity to be heard. This</p> <p>18 is a case, a US District</p> <p>19 Court case for the Northern</p> <p>20 District of New York, CIV No.</p> <p>21 1:15-CV-727.</p> <p>22 Ms. Troy is asking for</p> <p>23 the witness's identification,</p> <p>24 and not withstanding that</p> <p>25 there will be some numbers in</p>
<p style="text-align: right;">Page 12</p> <p>1 Jory Baron</p> <p>2 the Court, notwithstanding,</p> <p>3 refusal to compel the witness</p> <p>4 to do so on the grounds of</p> <p>5 privacy, and this is a Zoom</p> <p>6 deposition.</p> <p>7 THE COURT: Excuse me.</p> <p>8 Excuse me, Mr. Kataev, my</p> <p>9 time is valuable to me and I</p> <p>10 am not telling him that he</p> <p>11 has to produce his social</p> <p>12 security number. He is the</p> <p>13 defendant in this case and it</p> <p>14 is being conducted by Zoom.</p> <p>15 Everything has been done as a</p> <p>16 courtesy to your client, he</p> <p>17 can produce the ID. This is</p> <p>18 the Order of the Court. Do</p> <p>19 you want to go up on Appeal</p> <p>20 on this issue or do you want</p> <p>21 to accept the Ruling of the</p> <p>22 court?</p> <p>23 MR. KATAEV: I will accept</p> <p>24 the Ruling. I have one final</p> <p>25 thing to say that this</p>	<p style="text-align: right;">Page 13</p> <p>1 Jory Baron</p> <p>2 deposition is being recorded</p> <p>3 by Zoom, and I just want to</p> <p>4 add that the ID can be</p> <p>5 produced while the Zoom</p> <p>6 deposition is not being</p> <p>7 recorded.</p> <p>8 THE COURT: I'm sorry, I</p> <p>9 don't really understand what</p> <p>10 the issue is. I understand</p> <p>11 that people are entitled to</p> <p>12 privacy about things like</p> <p>13 social security numbers.</p> <p>14 What is it that you are</p> <p>15 trying to protect, Mr.</p> <p>16 Kataev? This is a named</p> <p>17 defendant, and Ms. Troy is</p> <p>18 just trying to verify that he</p> <p>19 is who he says he is. What</p> <p>20 is it that you are really</p> <p>21 trying to protect? I don't</p> <p>22 understand at all.</p> <p>23 MR. KATAEV: The driver's</p> <p>24 license contains information</p> <p>25 other than his identity, it</p>

<p style="text-align: right;">Page 14</p> <p>1 Jory Baron</p> <p>2 contains his home address,</p> <p>3 his driver's license number</p> <p>4 and contains other</p> <p>5 information. It is not</p> <p>6 appropriate that the</p> <p>7 plaintiff is entitled to</p> <p>8 record that, and it's going</p> <p>9 to be kept in plaintiff's</p> <p>10 counsel's records and it is</p> <p>11 required to produce. All I</p> <p>12 ask is that the plaintiff</p> <p>13 stop the recording, he will</p> <p>14 give that identification and</p> <p>15 represent who it is.</p> <p>16 MS. TROY: Fine.</p> <p>17 THE COURT: I will stay on</p> <p>18 the line and I will ask for</p> <p>19 the record in the Zoom</p> <p>20 deposition to stop. I will</p> <p>21 stay on the record while this</p> <p>22 happens.</p> <p>23 Ms. Troy, is that going to</p> <p>24 be okay for you?</p> <p>25 MS. TROY: Yes. In fact,</p>	<p style="text-align: right;">Page 15</p> <p>1 Jory Baron</p> <p>2 even before the deposition,</p> <p>3 we just asked for a scan of</p> <p>4 the ID and Mr. Kataev said</p> <p>5 that he wasn't going to</p> <p>6 produce the ID without a</p> <p>7 formal demand. Previously at</p> <p>8 Friday's deposition last</p> <p>9 week, at Mr. Thanwalla's</p> <p>10 deposition, he agreed to</p> <p>11 produce the ID later in the</p> <p>12 day because the witness</p> <p>13 supposedly left his ID in the</p> <p>14 car. Today, he says the same</p> <p>15 thing, which is that his</p> <p>16 witness forgot his ID in the</p> <p>17 car.</p> <p>18 So, we are fine with the</p> <p>19 production of the redacted</p> <p>20 version of the ID which is</p> <p>21 what we asked for all along.</p> <p>22 MR. KATAEV: It's not, you</p> <p>23 never asked for a redacted</p> <p>24 version.</p> <p>25 THE COURT: Stop, stop.</p>
<p style="text-align: right;">Page 16</p> <p>1 Jory Baron</p> <p>2 She is entitled to verify</p> <p>3 that the person she is</p> <p>4 deposing is the person that</p> <p>5 is identified and you don't</p> <p>6 want plaintiff's counsel to</p> <p>7 have his driver's license ID</p> <p>8 number or to have his home</p> <p>9 address. That is fine with</p> <p>10 me.</p> <p>11 But, it is her right to</p> <p>12 verify that the witness is</p> <p>13 who he says he is and she</p> <p>14 doesn't have to take your</p> <p>15 word for it. It's ridiculous</p> <p>16 for you to be citing one</p> <p>17 reported case as the reason</p> <p>18 that you are making that</p> <p>19 call.</p> <p>20 Can I just state that I</p> <p>21 have 5 other cases and this</p> <p>22 is not a reason to be</p> <p>23 contacting the Federal Court.</p> <p>24 Mr. Kataev and Ms. Troy, I</p> <p>25 understand that you have not</p>	<p style="text-align: right;">Page 17</p> <p>1 Jory Baron</p> <p>2 had any goodwill between the</p> <p>3 two of you but I will not</p> <p>4 tolerate this level that</p> <p>5 everything has to be brought</p> <p>6 to the Court. I will tell</p> <p>7 you that you are doing</p> <p>8 injustice, you are both doing</p> <p>9 injustice service to your</p> <p>10 client. Again, Ms. Troy is</p> <p>11 entitled to get some</p> <p>12 verification of whoever the</p> <p>13 witness was by virtue of the</p> <p>14 ID, and as of last week, do</p> <p>15 you understand me?</p> <p>16 MR. KATAEV: I am claiming</p> <p>17 a redacted version would be</p> <p>18 fine, but it is -- I need the</p> <p>19 authority for the appropriate</p> <p>20 certification that she's</p> <p>21 entitled to some form of ID.</p> <p>22 THE COURT: I am her</p> <p>23 authority and she's entitled</p> <p>24 to that. Is that enough for</p> <p>25 you?</p>

<p style="text-align: right;">Page 18</p> <p>1 Jory Baron</p> <p>2 MR. KATAEV: Yes, Your</p> <p>3 Honor.</p> <p>4 THE COURT: Mr. Kataev, if</p> <p>5 we have to do this on every</p> <p>6 single point, Mr. Kataev, it</p> <p>7 will not end up being useful</p> <p>8 for you or for your client or</p> <p>9 for Ms. Troy or her client.</p> <p>10 We need to get through the</p> <p>11 litigation here and you do</p> <p>12 not need to raise every</p> <p>13 single thing as another issue</p> <p>14 to address the Court about;</p> <p>15 do you understand?</p> <p>16 MR. KATAEV: I understand,</p> <p>17 Your Honor.</p> <p>18 THE COURT: Mr. Kataev and</p> <p>19 Ms. Troy, we stand by that the</p> <p>20 fact that Mr. Baron is</p> <p>21 directed to produce his ID.</p> <p>22 You will then turn off the</p> <p>23 recording right now and I</p> <p>24 will stay on the line to make</p> <p>25 sure that it doesn't become</p>	<p style="text-align: right;">Page 19</p> <p>1 Jory Baron</p> <p>2 an issue.</p> <p>3 MS. TROY: Recording</p> <p>4 stopped, Your Honor.</p> <p>5 MR. KATAEV: He has</p> <p>6 already gone downstairs.</p> <p>7 THE COURT: Well, now we</p> <p>8 have to waste my time waiting</p> <p>9 for him to come back to give</p> <p>10 Ms. Troy his ID so that I</p> <p>11 don't get interrupted again.</p> <p>12 MR. KATAEV: I apologize,</p> <p>13 Your Honor.</p> <p>14 THE COURT: Ms. Troy and</p> <p>15 Mr. Kataev, please get your</p> <p>16 focus back on the case and</p> <p>17 don't make it about both of</p> <p>18 you. It will not be a</p> <p>19 pleasant thing to have</p> <p>20 lawyers at this pitch, do you</p> <p>21 understand that?</p> <p>22 MS. TROY: Yes, Your</p> <p>23 Honor.</p> <p>24 MR. KATAEV: Understood,</p> <p>25 Your Honor.</p>
<p style="text-align: right;">Page 20</p> <p>1 Jory Baron</p> <p>2 [Time noted is 10:23]</p> <p>3 THE COURT: Ms. Troy is</p> <p>4 being asked not to write down</p> <p>5 the driver's ID number or the</p> <p>6 home address. Ms. Troy, I</p> <p>7 assume that you have no</p> <p>8 problem with that?</p> <p>9 MS. TROY: No, I don't</p> <p>10 have a problem with that.</p> <p>11 THE COURT: Thank you.</p> <p>12 So, the case does not --</p> <p>13 there is no reason for</p> <p>14 someone to prove who they</p> <p>15 were at a deposition because</p> <p>16 it was about a social</p> <p>17 security number.</p> <p>18 I am convinced that Ms.</p> <p>19 Troy has no bad intent and</p> <p>20 she just wants to verify that</p> <p>21 Mr. Baron is who he says he</p> <p>22 is, whoever the other witness</p> <p>23 is. I believe there will be</p> <p>24 no further issue on this</p> <p>25 case. Please make sure that</p>	<p style="text-align: right;">Page 21</p> <p>1 Jory Baron</p> <p>2 your witness comes prepared</p> <p>3 to show ID, okay?</p> <p>4 MR. KATAEV: Your Honor, I</p> <p>5 have to go to my office and</p> <p>6 it will be one minute.</p> <p>7 [Time noted: 10:32 a.m.]</p> <p>8 MR. KATAEV: I'm going to</p> <p>9 show the ID.</p> <p>10 (Ms. Troy peruses.)</p> <p>11 MS. TROY: That is</p> <p>12 satisfactory.</p> <p>13 THE COURT: Is that</p> <p>14 satisfactory?</p> <p>15 MS. TROY: Yes, it is.</p> <p>16 THE COURT: I don't</p> <p>17 believe there will be any</p> <p>18 other matters that needs the</p> <p>19 Court's intervention?</p> <p>20 MS. TROY: No, Your Honor,</p> <p>21 not from me.</p> <p>22 MR. KATAEV: No, Your</p> <p>23 Honor, not from --</p> <p>24 MS. TROY: Not from the</p> <p>25 plaintiff's side.</p>

<p style="text-align: right;">Page 22</p> <p>1 Jory Baron</p> <p>2 MR. KATAEV: Nothing</p> <p>3 further.</p> <p>4 THE COURT: This matter is</p> <p>5 now adjourned and I am going</p> <p>6 to advise Ms. Troy and Mr.</p> <p>7 Kataev to get on with the</p> <p>8 deposition. Thank you very</p> <p>9 much.</p> <p>10 MS. TROY: Thank you, Your</p> <p>11 Honor.</p> <p>12 MR. KATAEV: Thank you.</p> <p>13 (The recording has stopped.)</p> <p>14 [Time noted: 10:34 a.m.]</p> <p>15 MS. TROY: 10:35 the</p> <p>16 recording is back on. Let's</p> <p>17 get started.</p> <p>18 [Time noted: 10:35 a.m.]</p> <p>19 J-O-R-Y B-A-R-O-N, a Defendant herein,</p> <p>20 after having been duly sworn by a Notary</p> <p>21 Public of the State of New York, was</p> <p>22 examined and testified as follows:</p> <p>23</p> <p>24 BY THE REPORTER:</p> <p>25 Q. Please state your full name for</p>	<p style="text-align: right;">Page 23</p> <p>1 Jory Baron</p> <p>2 the record.</p> <p>3 A. Jory Baron.</p> <p>4 Q. Please state your present</p> <p>5 address for the record.</p> <p>6 A. 21 Wayside Lane, Huntington, New</p> <p>7 York 11743.</p> <p>8 EXAMINATION BY</p> <p>9 TIFFANY TROY:</p> <p>10 Q. Good morning, Mr. Baron. My</p> <p>11 name is Tiffany Troy and I represent the</p> <p>12 plaintiff in this matter, Leticia Stidhum.</p> <p>13 Before we get started, have you ever been</p> <p>14 deposed before?</p> <p>15 A. No.</p> <p>16 Q. In that case, I'm going to</p> <p>17 explain what a deposition is and lay down</p> <p>18 some ground rules going forward; do you</p> <p>19 understand?</p> <p>20 A. Yes.</p> <p>21 Q. First, this deposition is for me</p> <p>22 to ask you questions and for you to answer</p> <p>23 my questions about the subject matter of</p> <p>24 this lawsuit. To be clear, this lawsuit is</p> <p>25 about the pregnancy discrimination claims</p>
<p style="text-align: right;">Page 24</p> <p>1 Jory Baron</p> <p>2 brought by Leticia Stidhum. There is also a</p> <p>3 separate State Court Action that is about</p> <p>4 the wage and hour claim, but we will be</p> <p>5 addressing the pregnancy discrimination</p> <p>6 claim today; do you understand?</p> <p>7 A. Yes.</p> <p>8 Q. Since the court reporter has to</p> <p>9 take down everything that you say, I ask</p> <p>10 that you give verbal responses; no shaking</p> <p>11 or nodding of your head and no gestures; do</p> <p>12 you understand that?</p> <p>13 A. Yes.</p> <p>14 Q. For the same reason, please</p> <p>15 speak loudly and clearly when you answer a</p> <p>16 question; do you understand?</p> <p>17 A. Yes.</p> <p>18 Q. The stenographer can only write</p> <p>19 down one person speaking at a time.</p> <p>20 Therefore, please do not start to answer one</p> <p>21 of my questions before I stop asking it,</p> <p>22 likewise I will not start a new question</p> <p>23 until you have finished answering my last</p> <p>24 question; do you understand?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 25</p> <p>1 Jory Baron</p> <p>2 Q. If you need to take a break, for</p> <p>3 example to get a drink of water or to use</p> <p>4 the restroom, please let me know and I will</p> <p>5 call for a break; do you understand?</p> <p>6 A. Yes.</p> <p>7 Q. The only exception is that there</p> <p>8 can be no break in between one of my</p> <p>9 questions and your answer to that question;</p> <p>10 you must finish answering my question before</p> <p>11 you ask for a break; do you understand?</p> <p>12 A. Yes.</p> <p>13 Q. From time to time your attorney</p> <p>14 may make objections to my questions.</p> <p>15 Generally, however, unless your attorney</p> <p>16 tells you not to respond you will still have</p> <p>17 to respond; do you understand?</p> <p>18 A. Yes.</p> <p>19 Q. If you don't understand a</p> <p>20 question, tell me and I will rephrase it so</p> <p>21 that you can. If you don't hear a question,</p> <p>22 tell me and I will repeat it so that you do;</p> <p>23 do you understand?</p> <p>24 A. Yes.</p> <p>25 Q. We are here together for facts</p>

<p style="text-align: right;">Page 26</p> <p>1 Jory Baron</p> <p>2 and not speculation. If you don't know an</p> <p>3 answer to a question, say so; do you</p> <p>4 understand that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you understand that you have</p> <p>7 taken an oath to tell the truth today?</p> <p>8 A. Yes.</p> <p>9 Q. Do you understand that the oath</p> <p>10 that you have taken to tell the truth</p> <p>11 carries the same force and effect as if you</p> <p>12 were testifying in Court before a Judge?</p> <p>13 A. Yes.</p> <p>14 Q. Are you currently taking any</p> <p>15 medications that could prevent you from</p> <p>16 recalling the truth or testifying truthfully</p> <p>17 today?</p> <p>18 A. No.</p> <p>19 Q. How about any physical or</p> <p>20 emotional conditions, are you currently</p> <p>21 under any condition that could prevent you</p> <p>22 from recalling the truth or testifying</p> <p>23 truthfully and completely today?</p> <p>24 A. No.</p> <p>25 Q. Besides your attorney, have you</p>	<p style="text-align: right;">Page 27</p> <p>1 Jory Baron</p> <p>2 spoken with anyone to prepare for today's</p> <p>3 deposition?</p> <p>4 A. No.</p> <p>5 Q. Without telling me the contents</p> <p>6 of your communications with your attorney,</p> <p>7 did you, yes or no, talk to your attorney to</p> <p>8 prepare for this deposition?</p> <p>9 A. Yes.</p> <p>10 Q. Again, without telling me the</p> <p>11 contents of the communications, for how long</p> <p>12 did you speak with your attorney?</p> <p>13 A. A few hours.</p> <p>14 Q. In preparation for today's</p> <p>15 deposition, did you review any documents?</p> <p>16 A. Yes.</p> <p>17 Q. What were those documents?</p> <p>18 A. All the documents that were</p> <p>19 provided to me, the allegations set forth in</p> <p>20 the case, the Interrogatories and other</p> <p>21 documents that I signed.</p> <p>22 Q. Mr. Baron, what is your full</p> <p>23 name?</p> <p>24 A. Jory Philip Baron.</p> <p>25 Q. How do you spell Philip?</p>
<p style="text-align: right;">Page 28</p> <p>1 Jory Baron</p> <p>2 A. P-H-I-L-I-P.</p> <p>3 Q. Since this is a virtual</p> <p>4 deposition, when you are on break, do you</p> <p>5 affirm that you are not going to communicate</p> <p>6 by email, chat, or instant message on your</p> <p>7 phone or any other device?</p> <p>8 A. No.</p> <p>9 MR. KATAEV: Let the</p> <p>10 record reflect that there is</p> <p>11 no such device before him.</p> <p>12 Q. Do you agree that besides the</p> <p>13 documents that I will be showing you on the</p> <p>14 screen as exhibits today that you will not</p> <p>15 be reviewing any notes on your computer,</p> <p>16 cell phone or your notepad?</p> <p>17 A. Yes.</p> <p>18 MR. KATAEV: Same notation</p> <p>19 for the record.</p> <p>20 Q. Have you ever been arrested</p> <p>21 before?</p> <p>22 A. No.</p> <p>23 Q. Have you ever been a party to a</p> <p>24 lawsuit besides this one in a State Court</p> <p>25 Action?</p>	<p style="text-align: right;">Page 29</p> <p>1 Jory Baron</p> <p>2 A. No.</p> <p>3 Q. During this deposition, I'm</p> <p>4 going to be referring to 161-10 Hillside</p> <p>5 Auto which is at 161-10 Hillside Avenue as</p> <p>6 Hillside Auto Outlet; do you understand</p> <p>7 that?</p> <p>8 MR. KATAEV: Objection to</p> <p>9 the form. The corporate</p> <p>10 entity is 161-10 Hillside</p> <p>11 Auto Ave. It is Auto Avenue,</p> <p>12 LLC d/b/a Hillside Auto</p> <p>13 Outlet. You can answer the</p> <p>14 question.</p> <p>15 A. Yes.</p> <p>16 Q. I'm going to be referring to</p> <p>17 Hillside Auto Mall, Inc. as Hillside Auto</p> <p>18 Mall; do you understand?</p> <p>19 A. Yes.</p> <p>20 Q. Do you own the residence that</p> <p>21 you gave at the beginning of this deposition</p> <p>22 today?</p> <p>23 MR. KATAEV: Objection to</p> <p>24 relevance. You can answer.</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 30</p> <p>1 Jory Baron</p> <p>2 Q. In the past five years, have you</p> <p>3 lived anywhere else?</p> <p>4 A. Yes.</p> <p>5 Q. Starting from the most recent,</p> <p>6 where have you lived prior to your current</p> <p>7 address?</p> <p>8 A. 35 Woodland W-O-O-D-L-A-N-D</p> <p>9 Street in Huntington.</p> <p>10 Q. Besides the 35 Woodland Street</p> <p>11 address, have you lived anywhere else in</p> <p>12 addition to the address that you gave at the</p> <p>13 beginning of this deposition within the past</p> <p>14 5 years?</p> <p>15 A. No.</p> <p>16 Q. What is your highest level of</p> <p>17 education?</p> <p>18 A. College.</p> <p>19 MR. KATAEV: Objection to</p> <p>20 that.</p> <p>21 A. (Continuing) Business</p> <p>22 Management, Bachelor's of Science.</p> <p>23 Q. What school did you attend?</p> <p>24 A. Michigan and then Hofstra</p> <p>25 University.</p>	<p style="text-align: right;">Page 31</p> <p>1 Jory Baron</p> <p>2 Q. Are you familiar with the</p> <p>3 company 161-10 Hillside Auto Avenue LLC.?</p> <p>4 A. Yes.</p> <p>5 Q. How are you familiar with it?</p> <p>6 A. I am a member/shareholder.</p> <p>7 Q. What is the percentage of shares</p> <p>8 that you own?</p> <p>9 A. I am a 25 percent.</p> <p>10 Q. Do you recall when you began as</p> <p>11 a member, the year and the month?</p> <p>12 A. I don't recall specifically, but</p> <p>13 it was from the beginning of the business</p> <p>14 when we opened.</p> <p>15 Q. How about do you recall when the</p> <p>16 business opened?</p> <p>17 A. Approximately 5 years ago.</p> <p>18 Q. What is your role as the</p> <p>19 member/shareholder at 161-10 Hillside Auto</p> <p>20 Avenue LLC?</p> <p>21 A. My role is very minimal; I sign</p> <p>22 checks and speak to Ishaque on a weekly</p> <p>23 basis just to review where we are in the</p> <p>24 month.</p> <p>25 Q. When you had the conversations</p>
<p style="text-align: right;">Page 32</p> <p>1 Jory Baron</p> <p>2 with Ishaque on a weekly basis, would that</p> <p>3 be you and Isaac only or was it you,</p> <p>4 Ishaque, and someone else?</p> <p>5 A. Typically, Ishaque and myself.</p> <p>6 MR. KATAEV: Let the</p> <p>7 attorney finish her question.</p> <p>8 THE WITNESS: I apologize.</p> <p>9 MR. KATAEV: It's to make</p> <p>10 the court reporter's life</p> <p>11 easier.</p> <p>12 Q. When you say that you spoke to</p> <p>13 Ishaque on a weekly basis, just to review,</p> <p>14 on a weekly basis, can you describe what</p> <p>15 kind of information you and Ishaque</p> <p>16 exchanged during those conversations?</p> <p>17 MR. KATAEV: Objection as</p> <p>18 to relevance. You can answer.</p> <p>19 A. It could vary on a weekly basis.</p> <p>20 Sometimes it could be how many vehicles do</p> <p>21 we have currently sold for the month? How</p> <p>22 was our cash position? Certain general</p> <p>23 questions just to get a general sense of the</p> <p>24 health of the dealership at the moment.</p> <p>25 Q. Do you still have those weekly</p>	<p style="text-align: right;">Page 33</p> <p>1 Jory Baron</p> <p>2 meetings with Ishaque currently?</p> <p>3 A. It can vary. I can come in</p> <p>4 weekly, it could be every other week or as-</p> <p>5 needed.</p> <p>6 Q. Let's start from the car sales,</p> <p>7 did you discuss with Ishaque the number of</p> <p>8 vehicles sold at Hillside Auto Outlet in</p> <p>9 2018/2019?</p> <p>10 A. On a monthly basis, yes.</p> <p>11 Q. In 2018/2019, do you recall how</p> <p>12 many cars were sold by the dealership on a</p> <p>13 monthly basis?</p> <p>14 A. I cannot recall.</p> <p>15 Q. Can you give us a range?</p> <p>16 A. I would be guessing from 5 years</p> <p>17 ago, but I would prefer not to.</p> <p>18 Q. Was the number of vehicles sold</p> <p>19 in 2018 and 2019 more or less than the</p> <p>20 number of vehicles sold on a monthly basis</p> <p>21 currently?</p> <p>22 A. Again, unfortunately I cannot</p> <p>23 recall every month, it varied.</p> <p>24 Q. How about the revenue generated</p> <p>25 by the deals on a monthly basis, do you</p>

<p style="text-align: right;">Page 34</p> <p>1 Jory Baron</p> <p>2 recall that in 2018 and 2019, again, on a</p> <p>3 monthly basis?</p> <p>4 A. I cannot recall.</p> <p>5 MR. KATAEV: Objection to</p> <p>6 that one.</p> <p>7 Q. During those meetings, would you</p> <p>8 ever discuss issues that may arise on the</p> <p>9 human resources front?</p> <p>10 MR. KATAEV: Objection to</p> <p>11 the form. You can answer.</p> <p>12 A. No, that was not my position as</p> <p>13 a shareholder at that time.</p> <p>14 Q. When you say "at that time" does</p> <p>15 that mean in 2018 and 2019?</p> <p>16 A. Yes.</p> <p>17 Q. What is your position as a</p> <p>18 shareholder currently, and I mean regarding</p> <p>19 perhaps human resources discussed with you</p> <p>20 currently?</p> <p>21 A. Ishaque handles the day-to-day</p> <p>22 of the human resources aspect. If I need to</p> <p>23 get involved, he will call.</p> <p>24 Q. When was the most recent time</p> <p>25 when he called you with respect to a human</p>	<p style="text-align: right;">Page 35</p> <p>1 Jory Baron</p> <p>2 resources issue?</p> <p>3 A. None.</p> <p>4 MS. TROY: Emmanuel, can</p> <p>5 you do me a favor? You</p> <p>6 usually project pretty well,</p> <p>7 but if you don't mind moving</p> <p>8 the microphone closer to the</p> <p>9 witness.</p> <p>10 MR. KATAEV: How is it</p> <p>11 now?</p> <p>12 MS. TROY: No problem.</p> <p>13 MR. KATAEV: So the record</p> <p>14 is clear, there is a shared</p> <p>15 microphone on the table and</p> <p>16 we just moved it closer to</p> <p>17 the witness so that it is</p> <p>18 clear.</p> <p>19 MS. TROY: I believe the</p> <p>20 witness said "none." We can</p> <p>21 move on.</p> <p>22 MR. KATAEV: That is</p> <p>23 correct.</p> <p>24 Q. From the beginning of the time</p> <p>25 when you became the shareholder at Hillside</p>
<p style="text-align: right;">Page 36</p> <p>1 Jory Baron</p> <p>2 Auto Outlet five years ago until the present</p> <p>3 day, has there ever been an occasion when</p> <p>4 Ishaque called you regarding a human</p> <p>5 resource issue?</p> <p>6 A. No.</p> <p>7 Q. Back in 2018 and 2019 what would</p> <p>8 be a number of cars sold on a good month?</p> <p>9 A. I can't give you a specific</p> <p>10 number.</p> <p>11 Q. What would be the number?</p> <p>12 MR. KATAEV: Objection.</p> <p>13 Asked and answered for that</p> <p>14 one.</p> <p>15 Q. How about in a slow month?</p> <p>16 A. I cannot recall, i can't give</p> <p>17 you a specific answer.</p> <p>18 Q. Do you recall if there were</p> <p>19 months or seasons when the car sales would</p> <p>20 be slower?</p> <p>21 A. Yes. The car sales can vary</p> <p>22 from month-to-month depending on the time of</p> <p>23 year and other factors.</p> <p>24 Q. What other factors would car</p> <p>25 sales would depend on?</p>	<p style="text-align: right;">Page 37</p> <p>1 Jory Baron</p> <p>2 A. It could be holiday times,</p> <p>3 certain promotions, people know that deals</p> <p>4 would be going on at the end of the year,</p> <p>5 different things like that, weather, tax</p> <p>6 returns, so on and so forth.</p> <p>7 Q. Let's go to holiday times, what</p> <p>8 were the major holidays that would affect</p> <p>9 car sales, and we are still talking about</p> <p>10 Hillside Auto Outlet?</p> <p>11 A. Everything within the industry</p> <p>12 can typically run hand-in-hand. It would be</p> <p>13 Memorial Day, President's Week, the end of</p> <p>14 the year, vice-a-versa, major holidays can</p> <p>15 adversely affect business. Mother's Day,</p> <p>16 Easter, Christmas. They tend to be slow,</p> <p>17 but again, it could vary.</p> <p>18 Q. What are the busier months at</p> <p>19 Hillside Auto Outlet?</p> <p>20 A. I cannot recall what would be</p> <p>21 the busiest months.</p> <p>22 Q. Are you familiar with Ishaque</p> <p>23 Thanwalla?</p> <p>24 A. Yes.</p> <p>25 Q. How are you familiar with him?</p>

<p style="text-align: right;">Page 38</p> <p>1 Jory Baron</p> <p>2 A. He is a partner of mine.</p> <p>3 Q. What is his role and exact title</p> <p>4 at Hillside Auto Outlet?</p> <p>5 A. To manage day-to-day aspects of</p> <p>6 the dealership throughout.</p> <p>7 Q. Is it fair to say that he has</p> <p>8 the power to hire employees?</p> <p>9 A. Yes.</p> <p>10 Q. How about firing?</p> <p>11 A. Yes.</p> <p>12 Q. How about setting their</p> <p>13 schedule?</p> <p>14 A. Yes.</p> <p>15 Q. How about setting their pay?</p> <p>16 A. Yes.</p> <p>17 Q. To your knowledge, what was the</p> <p>18 work schedule at Hillside Auto Outlet in</p> <p>19 2018/2019?</p> <p>20 A. I don't know.</p> <p>21 Q. How about the store hours, what</p> <p>22 were the store hours at Hillside Auto Outlet</p> <p>23 in 2018/2019?</p> <p>24 A. I cannot recall.</p> <p>25 Q. Do you, as a shareholder, have</p>	<p style="text-align: right;">Page 39</p> <p>1 Jory Baron</p> <p>2 the power to hire employees?</p> <p>3 A. That is not my role.</p> <p>4 Q. Please listen carefully to the</p> <p>5 question. The question is: do you have the</p> <p>6 power or authority to hire employees?</p> <p>7 MR. KATAEV: Objection.</p> <p>8 Asked and answered, but you</p> <p>9 can answer the question</p> <p>10 again.</p> <p>11 A. Again, it is not my role.</p> <p>12 Ishaque is in charge of that aspect.</p> <p>13 Q. Do you have the power to --</p> <p>14 MR. KATAEV: Objection.</p> <p>15 Asked and answered.</p> <p>16 MS. TROY: Mr. Kataev, if</p> <p>17 you listened carefully, he</p> <p>18 did not actually answer the</p> <p>19 question which is why I am</p> <p>20 asking the question again.</p> <p>21 The question is "yes or no,</p> <p>22 do you have the authority to</p> <p>23 hire employees?"</p> <p>24 MR. KATAEV: My objection</p> <p>25 stands, and you can answer</p>
<p style="text-align: right;">Page 40</p> <p>1 Jory Baron</p> <p>2 the question again.</p> <p>3 A. That's Ishaque's role and I</p> <p>4 don't have that power to do that.</p> <p>5 Q. How about to fire employees?</p> <p>6 A. No, that is Ishaque's</p> <p>7 responsibility.</p> <p>8 Q. How about setting the schedule?</p> <p>9 A. No, that is not my</p> <p>10 responsibility.</p> <p>11 Q. How about setting the pay?</p> <p>12 A. That was not my responsibility.</p> <p>13 Q. Do you know the payment</p> <p>14 structure for the car salespeople at</p> <p>15 Hillside Auto Outlet?</p> <p>16 A. No.</p> <p>17 Q. During the discussions about the</p> <p>18 cash positions, and by discussions, I mean</p> <p>19 discussions with Ishaque, did the cash</p> <p>20 position involve payroll expenses?</p> <p>21 MR. KATAEV: Objection.</p> <p>22 Vague, but you can answer.</p> <p>23 A. No.</p> <p>24 Q. When you talked about the cash</p> <p>25 positions, what was being discussed</p>	<p style="text-align: right;">Page 41</p> <p>1 Jory Baron</p> <p>2 specifically?</p> <p>3 MR. KATAEV: Objection to</p> <p>4 relevance. You can answer.</p> <p>5 A. The amount of money needed to</p> <p>6 operate a business successfully; just making</p> <p>7 sure that again, there was enough money for</p> <p>8 floor plans and different things like that.</p> <p>9 Q. When you discussed the cash</p> <p>10 position, would you discuss the income as</p> <p>11 well as the expenses?</p> <p>12 A. Can you repeat the question,</p> <p>13 please?</p> <p>14 MS. TROY: Sure. Let's</p> <p>15 strike that last question.</p> <p>16 Q. During your discussions with</p> <p>17 Ishaque, would you discuss the payroll</p> <p>18 expenses at all?</p> <p>19 A. No.</p> <p>20 Q. Would he ever discuss with you</p> <p>21 how much he was paying either a specific</p> <p>22 employee who was working for Hillside Auto</p> <p>23 Outlet or a certain position, for instance,</p> <p>24 a car salesperson?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 42</p> <p>1 Jory Baron</p> <p>2 Q. During all of your time as a</p> <p>3 shareholder at Hillside Auto Outlet, have</p> <p>4 you ever hired anyone?</p> <p>5 A. I have trouble hearing you. I'm</p> <p>6 so sorry. If you could just repeat that one</p> <p>7 more time.</p> <p>8 Q. Have you ever hired anyone on</p> <p>9 behalf of Hillside Auto Outlet?</p> <p>10 A. No.</p> <p>11 Q. How about firing people?</p> <p>12 A. No.</p> <p>13 Q. Besides 161-10 Hillside Auto</p> <p>14 Avenue LLC, do you own any other company's?</p> <p>15 A. No. Oh, I apologize. We do</p> <p>16 have Hillside Auto Outlet 2 that is down the</p> <p>17 road.</p> <p>18 MR. KATAEV: Do you mean</p> <p>19 the numeral?</p> <p>20 THE WITNESS: Yes.</p> <p>21 Q. What is the address of Hillside</p> <p>22 Auto Outlet 2?</p> <p>23 A. 179-10, I believe. I would have</p> <p>24 to double check, but I believe that is the</p> <p>25 address.</p>	<p style="text-align: right;">Page 43</p> <p>1 Jory Baron</p> <p>2 Q. Does Hillside Auto Outlet 2 also</p> <p>3 sell cars?</p> <p>4 A. We store cars there and they can</p> <p>5 sell them, but it's mostly for service of</p> <p>6 vehicles.</p> <p>7 Q. Besides yourself, are there any</p> <p>8 other shareholders of Hillside Auto Outlet</p> <p>9 2?</p> <p>10 A. Yes.</p> <p>11 Q. Who are they?</p> <p>12 MR. KATAEV: Objection as</p> <p>13 to relevance. You can</p> <p>14 answer.</p> <p>15 A. The Estate of David Baron and</p> <p>16 Josh Aaronson, as well as Ishaque.</p> <p>17 Q. Is it fair to say that you each</p> <p>18 have a 25 percent share?</p> <p>19 A. Yes.</p> <p>20 Q. Turning your attention back to</p> <p>21 Hillside Auto Outlet, is it fair to say that</p> <p>22 you and Josh Aaronson and the Estate of</p> <p>23 David Baron as well as Ishaque, that you</p> <p>24 each own 25 percent of the shares of the</p> <p>25 company?</p>
<p style="text-align: right;">Page 44</p> <p>1 Jory Baron</p> <p>2 A. Yes.</p> <p>3 Q. Are you familiar with Josh</p> <p>4 Aaronson?</p> <p>5 A. Yes.</p> <p>6 Q. How are you familiar with him?</p> <p>7 A. He is a business partner.</p> <p>8 Q. Besides 161-10, Hillside Auto</p> <p>9 Avenue, d/b/a, Hillside Auto Outlet, LLC and</p> <p>10 Hillside Auto Outlet 2, are you business</p> <p>11 partners with him and any other</p> <p>12 corporations?</p> <p>13 A. Not at the moment.</p> <p>14 Q. What was his role or</p> <p>15 responsibility at Hillside Auto Outlet?</p> <p>16 A. Shareholder.</p> <p>17 Q. As the shareholder, what did he</p> <p>18 do?</p> <p>19 A. I don't know.</p> <p>20 MR. KATAEV: Who is "he?"</p> <p>21 MS. TROY: Josh Aaronson.</p> <p>22 MR. KATAEV: Go ahead.</p> <p>23 A. (Continuing) I cannot speak for</p> <p>24 his responsibilities.</p> <p>25 Q. Earlier you mentioned that you</p>	<p style="text-align: right;">Page 45</p> <p>1 Jory Baron</p> <p>2 had monthly back and forth in 2018 and 2019</p> <p>3 and weekly meetings with Ishaque about</p> <p>4 everything about Hillside Auto Outlet. Would</p> <p>5 Josh Aaronson ever join the two of you at</p> <p>6 any of those meetings?</p> <p>7 A. There were occasions where we</p> <p>8 might have been on the phone together.</p> <p>9 Q. During those occasions, were the</p> <p>10 same types of things discussed or was it</p> <p>11 something different in those discussions?</p> <p>12 A. It could vary.</p> <p>13 Q. Let's turn your attention to the</p> <p>14 late David Baron for a second. At the time</p> <p>15 when the company was formed, David Baron was</p> <p>16 still alive; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Let's backtrack, do you recall</p> <p>19 what year and month he passed away?</p> <p>20 A. It would be 2 years in May.</p> <p>21 Q. Between 2018 and 2019, what role</p> <p>22 or responsibilities did he have as the</p> <p>23 shareholder of 161-10 Hillside Auto Avenue,</p> <p>24 LLC?</p> <p>25 A. I cannot recall, nor was I</p>

<p style="text-align: right;">Page 46</p> <p>1 Jory Baron</p> <p>2 involved.</p> <p>3 Q. After 2021 when, essentially the</p> <p>4 Estate of David Baron was the executor for</p> <p>5 the late David Baron, what, if any</p> <p>6 discussions were had between or amongst the</p> <p>7 shareholders regarding anything related to</p> <p>8 Hillside Auto Outlet?</p> <p>9 A. Can you please repeat that</p> <p>10 question?</p> <p>11 Q. So, sure. Sort of a similar</p> <p>12 question that I had asked you with respect</p> <p>13 to Josh Aaronson, but now we are talking,</p> <p>14 I'm turning your attention to the Estate of</p> <p>15 David Baron.</p> <p>16 Did the Estate of David Baron ever</p> <p>17 participate in shareholder meetings?</p> <p>18 A. I cannot recall, nor do I</p> <p>19 remember.</p> <p>20 Q. When was the last meeting that</p> <p>21 was attended either by the Estate of David</p> <p>22 Baron or by the late Mr. Baron?</p> <p>23 A. I cannot remember.</p> <p>24 Q. Are you familiar with a company</p> <p>25 called Hillside Auto Mall, Inc?</p>	<p style="text-align: right;">Page 47</p> <p>1 Jory Baron</p> <p>2 A. If I may ask, familiar in what</p> <p>3 way?</p> <p>4 Q. Do you know of the company?</p> <p>5 A. Yes.</p> <p>6 Q. How do you know of the company?</p> <p>7 A. They are down the block from</p> <p>8 where we are.</p> <p>9 Q. Were there ever occasions from</p> <p>10 your perspective as a shareholder, were</p> <p>11 there ever occasions when Hillside Auto</p> <p>12 Outlet employees would sell cars from</p> <p>13 Hillside Auto Mall?</p> <p>14 A. They are 2 companies, they are 2</p> <p>15 different businesses.</p> <p>16 Q. Let me just turn your attention</p> <p>17 and focus on the question, which was: were</p> <p>18 there ever occasions when Hillside Auto</p> <p>19 Outlet's employees sold cars from Hillside</p> <p>20 Auto Mall?</p> <p>21 MR. KATAEV: Objection.</p> <p>22 Asked and answered. You can</p> <p>23 answer the question.</p> <p>24 A. Throughout we could have</p> <p>25 vehicles brought to Hillside Auto Outlet to</p>
<p style="text-align: right;">Page 48</p> <p>1 Jory Baron</p> <p>2 be shown. But, every vehicle that gets sold</p> <p>3 would be a Hillside Auto Outlet vehicle.</p> <p>4 They could again have the vehicle brought to</p> <p>5 be shown if the customer likes it, Hillside</p> <p>6 Auto Outlet, we do that with other locations</p> <p>7 where they can purchase the vehicles from</p> <p>8 those stores and then try to sell them.</p> <p>9 Q. When you mentioned that the</p> <p>10 vehicles could be brought to Hillside Auto</p> <p>11 Outlet, I am going to follow-up on that and</p> <p>12 ask you: were there occasions when the car</p> <p>13 salespeople would bring customers down the</p> <p>14 block to Hillside Auto Mall to sell cars at</p> <p>15 Hillside Auto Mall?</p> <p>16 A. No, not that I'm aware of.</p> <p>17 Q. Are you familiar with the co-</p> <p>18 defendant, Andris Guzman?</p> <p>19 A. I am familiar with his name,</p> <p>20 yes.</p> <p>21 Q. Do you recall his position with</p> <p>22 Hillside Auto Outlet?</p> <p>23 A. I cannot recall.</p> <p>24 Q. Do you recall if he had</p> <p>25 managerial responsibilities?</p>	<p style="text-align: right;">Page 49</p> <p>1 Jory Baron</p> <p>2 A. I cannot recall.</p> <p>3 Q. Do you recall what the hiring</p> <p>4 process was like at Hillside Auto Outlet?</p> <p>5 A. That was not my responsibility,</p> <p>6 so I cannot answer that.</p> <p>7 Q. To your knowledge, were there</p> <p>8 any posters regarding Labor Law posted</p> <p>9 within the store of Hillside Auto Outlet?</p> <p>10 A. Yes.</p> <p>11 Q. Where were those posters posted?</p> <p>12 A. I believe in the lunch area or</p> <p>13 in the back area. There is a kitchen,</p> <p>14 that's where the kitchen is, if I remember</p> <p>15 correctly.</p> <p>16 Q. Do you remember what the</p> <p>17 contents on the poster was?</p> <p>18 A. I cannot remember specifically.</p> <p>19 Q. Do you recall if the poster was</p> <p>20 there back in 2018/2019?</p> <p>21 A. Yes.</p> <p>22 Q. Do you recall how much in flat</p> <p>23 commissions per car was given to Hillside</p> <p>24 Auto Outlet employees?</p> <p>25 A. It was not my responsibility.</p>

<p style="text-align: right;">Page 50</p> <p>1 Jory Baron</p> <p>2 So, again, I cannot recall.</p> <p>3 Q. Do you know what the bonus</p> <p>4 structure was at Hillside Auto Outlet?</p> <p>5 A. That was not my responsibility,</p> <p>6 so I was unaware.</p> <p>7 Q. Do you know if the bonus</p> <p>8 structure was fixed or varied from time-to-</p> <p>9 time at Hillside Auto Outlet?</p> <p>10 A. Again, that was not my</p> <p>11 responsibility. So, I'm unaware, I could</p> <p>12 say it is not unusual for structures and</p> <p>13 bonus structures to vary from time to time.</p> <p>14 Q. When you said that, are you</p> <p>15 speaking generally in the industry?</p> <p>16 A. Yes.</p> <p>17 Q. Are you familiar with the</p> <p>18 plaintiff Leticia Stidhum?</p> <p>19 A. Yes.</p> <p>20 Q. How are you familiar with her?</p> <p>21 A. I am familiar with her based on</p> <p>22 this lawsuit.</p> <p>23 Q. Did you know of her prior to</p> <p>24 this lawsuit?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 51</p> <p>1 Jory Baron</p> <p>2 Q. From time to time, did you visit</p> <p>3 Hillside Auto Outlet as one of the</p> <p>4 shareholders?</p> <p>5 A. I would visit there and it would</p> <p>6 vary every so often.</p> <p>7 Q. Usually what time of day would</p> <p>8 you visit?</p> <p>9 A. It could vary depending on my</p> <p>10 schedule.</p> <p>11 Q. What was the earliest time of</p> <p>12 the day when you would visit the store?</p> <p>13 A. After they opened, typically</p> <p>14 around 10:30 in the morning would be the</p> <p>15 earliest.</p> <p>16 Q. How about the latest time when</p> <p>17 you visited?</p> <p>18 A. I would want to be out of there</p> <p>19 by 2 o'clock due to traffic.</p> <p>20 Q. Would you visit weekdays as well</p> <p>21 as on weekend days?</p> <p>22 A. Typically it would be within the</p> <p>23 week.</p> <p>24 Q. Meaning Monday through Friday?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 52</p> <p>1 Jory Baron</p> <p>2 Q. What was Ishaque's title at</p> <p>3 Hillside Auto Outlet?</p> <p>4 A. He was a shareholder/partner,</p> <p>5 whichever you prefer, as well as the manager</p> <p>6 of the store.</p> <p>7 Q. What are the responsibilities of</p> <p>8 the finance manager, and specifically we are</p> <p>9 talking about Hillside Auto Outlet?</p> <p>10 A. The finance manager would</p> <p>11 receive credit, I should say they would</p> <p>12 receive a folder from the salesperson once a</p> <p>13 deal is formally agreed upon. Then, their</p> <p>14 job would be to run credit and submit credit</p> <p>15 to the bank and then finalize the paperwork</p> <p>16 with the customers.</p> <p>17 Q. To your knowledge, did any of</p> <p>18 the car salespeople stay after the store</p> <p>19 hours in order to finish a deal?</p> <p>20 A. It is not uncommon within the</p> <p>21 industry for people to have to remain past</p> <p>22 our set hours to complete a deal.</p> <p>23 Q. Specifically and typically, how</p> <p>24 much longer would they stay past the set</p> <p>25 hours to complete a deal after hours?</p>	<p style="text-align: right;">Page 53</p> <p>1 Jory Baron</p> <p>2 A. I cannot tell you that. It</p> <p>3 varied.</p> <p>4 Q. Can you give me a range?</p> <p>5 MR. KATAEV: Objection.</p> <p>6 Asked and answered. You can</p> <p>7 answer the question.</p> <p>8 A. It completely varied.</p> <p>9 Q. Are you familiar with the</p> <p>10 Dealertrack system?</p> <p>11 A. Yes.</p> <p>12 Q. Can you explain what that system</p> <p>13 is?</p> <p>14 A. This is the system, this is our</p> <p>15 dealer management system. I call it like</p> <p>16 the brain function of the store. It is the</p> <p>17 database that we use to operate the</p> <p>18 dealership, they use the main database.</p> <p>19 Q. To your knowledge, were any</p> <p>20 records kept for employee hours, and let's</p> <p>21 start from the time clock; are you aware if</p> <p>22 there was a time clock at Hillside Auto</p> <p>23 Outlet?</p> <p>24 A. Not that I know specifically.</p> <p>25 Q. How about any written records</p>

<p style="text-align: right;">Page 54</p> <p>1 Jory Baron</p> <p>2 about employee's attendance?</p> <p>3 A. That is not my responsibility</p> <p>4 and I cannot answer that.</p> <p>5 THE WITNESS: Is it okay</p> <p>6 if I have a sip of my</p> <p>7 Gatorade?</p> <p>8 MS. TROY: Okay. For the</p> <p>9 record, you don't have to ask</p> <p>10 for a drink.</p> <p>11 THE WITNESS: I just</p> <p>12 wanted to make sure.</p> <p>13 Q. How about a record of the</p> <p>14 employee's pay; what records, if any, were</p> <p>15 kept?</p> <p>16 A. That was not my responsibility</p> <p>17 and I cannot recall.</p> <p>18 Q. Earlier you mentioned that you</p> <p>19 learned of Leticia Stidhum through a</p> <p>20 lawsuit. Prior to this lawsuit, did you</p> <p>21 have any communications with Ishaque about</p> <p>22 Leticia?</p> <p>23 A. So, to clarify then the first</p> <p>24 knowledge of this lawsuit was a text message</p> <p>25 that I received from Leticia. That was the</p>	<p style="text-align: right;">Page 55</p> <p>1 Jory Baron</p> <p>2 first contact that I had with her. But, no,</p> <p>3 I did not have any conversations with</p> <p>4 Ishaque about Leticia prior to any of the</p> <p>5 legal ---</p> <p>6 Q. Did you have conversations with</p> <p>7 anyone about Leticia prior to this lawsuit?</p> <p>8 A. Just to clarify, when you say</p> <p>9 "prior to this lawsuit," upon receiving a</p> <p>10 text message from her, that is when the</p> <p>11 conversations began about the matter that</p> <p>12 day. We did not have conversations until</p> <p>13 this lawsuit began.</p> <p>14 Q. To backtrack for a second, the</p> <p>15 text message that you were referring to, was</p> <p>16 that the text message that you received from</p> <p>17 Leticia?</p> <p>18 A. Yes.</p> <p>19 MR. KATAEV: Let the</p> <p>20 record reflect that I</p> <p>21 produced this morning those</p> <p>22 text messages.</p> <p>23 Q. Were those the text messages</p> <p>24 from January 24th?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 56</p> <p>1 Jory Baron</p> <p>2 MS. TROY: Let the record</p> <p>3 reflect that D1905 to D1907,</p> <p>4 I have however, it appears to</p> <p>5 me that the text message was</p> <p>6 cut off. And that there is</p> <p>7 another page. This does not</p> <p>8 represent the entirety of the</p> <p>9 text messages. But, there is</p> <p>10 a message that was cut off.</p> <p>11 Emanuel, are you going to</p> <p>12 produce the full text</p> <p>13 messages?</p> <p>14 MR. KATAEV: I'm sorry for</p> <p>15 this. If we have them, we</p> <p>16 will produce it. Please make</p> <p>17 a formal demand. For what</p> <p>18 it's worth, in my review with</p> <p>19 the client, we believe that</p> <p>20 the bottom portion of the</p> <p>21 text message either says</p> <p>22 "thank you for your time" or</p> <p>23 "thank you for your help."</p> <p>24 It was one of those two</p> <p>25 things based on the client's</p>	<p style="text-align: right;">Page 57</p> <p>1 Jory Baron</p> <p>2 recollection.</p> <p>3 I believe we can also</p> <p>4 represent and confirm, and</p> <p>5 it's accurate that we can</p> <p>6 also represent that there are</p> <p>7 no further text messages</p> <p>8 after that one; correct?</p> <p>9 THE WITNESS: That is</p> <p>10 correct.</p> <p>11 Q. Let me just backtrack for a</p> <p>12 second. I will show it on the screen and</p> <p>13 maybe that will be easier. Just give me one</p> <p>14 second.</p> <p>15 I believe it's going to be easier if we</p> <p>16 just use this same folder and we're just</p> <p>17 going to name it as the next number.</p> <p>18 MR. KATAEV: That is fine.</p> <p>19 But, when you say "folder,"</p> <p>20 what do you mean?</p> <p>21 MS. TROY: We're going to</p> <p>22 mark this as Exhibit 14.</p> <p>23 (Plaintiff's Exhibit 14</p> <p>24 marked for identification)</p> <p>25 Q. So, I'm going to show you what</p>

<p style="text-align: right;">Page 58</p> <p>1 Jory Baron</p> <p>2 we have just marked as Plaintiff's Exhibit</p> <p>3 14, which is also D1905 to D1907.</p> <p>4 First, what is your cell phone number?</p> <p>5 MR. KATAEV: Objection as</p> <p>6 to relevance. You can</p> <p>7 answer.</p> <p>8 A. 516 840-2524.</p> <p>9 Q. Since when have you used this</p> <p>10 number?</p> <p>11 A. I can't remember the specifics,</p> <p>12 but several years.</p> <p>13 Q. Is it fair to say that in 2019</p> <p>14 you used the number, you were using this</p> <p>15 number?</p> <p>16 A. Yes.</p> <p>17 Q. How did you obtain this text</p> <p>18 message that I'm showing you on the screen</p> <p>19 today?</p> <p>20 A. Leticia texted me.</p> <p>21 Q. How did you obtain this</p> <p>22 screenshot of the text message?</p> <p>23 A. I screenshot it.</p> <p>24 Q. When did you screenshot it?</p> <p>25 A. Upon the allegations brought</p>	<p style="text-align: right;">Page 59</p> <p>1 Jory Baron</p> <p>2 forth, I thought that it may be relevant and</p> <p>3 I went through my history of conversations.</p> <p>4 I then screenshotted the text message.</p> <p>5 Q. Are you saying that you</p> <p>6 screenshotted it back in 2019?</p> <p>7 A. No, I screenshotted it --</p> <p>8 honestly, whenever the lawsuit came forth,</p> <p>9 but I cannot say whether it was 2019 or not.</p> <p>10 Q. You did not screenshot that this</p> <p>11 year or last year, but it was sometime</p> <p>12 prior; correct?</p> <p>13 A. I cannot recall. Again,</p> <p>14 whenever the lawsuit was brought forth and</p> <p>15 it was shortly thereafter.</p> <p>16 Q. Do you still use that 516 840-</p> <p>17 2524 number today?</p> <p>18 A. I do.</p> <p>19 Q. Do you still have text messages</p> <p>20 on your phone today?</p> <p>21 A. I would have to go back and I</p> <p>22 don't know if my text messages are now set</p> <p>23 to delete after a certain time period. So,</p> <p>24 I cannot answer. I may have changed it</p> <p>25 during the pandemic, the cell phone was</p>
<p style="text-align: right;">Page 60</p> <p>1 Jory Baron</p> <p>2 constantly being used. I may have changed</p> <p>3 the setting in terms of how long my text</p> <p>4 messages were kept.</p> <p>5 Q. In other words, you use the same</p> <p>6 number, and you had those text messages</p> <p>7 before, but you are not sure if you have it</p> <p>8 currently because the setting was changed to</p> <p>9 possibly delete them after a certain period</p> <p>10 of time?</p> <p>11 A. That is correct, I would have to</p> <p>12 check.</p> <p>13 Q. When did you provide those</p> <p>14 screenshots?</p> <p>15 A. I produced those screenshots again</p> <p>16 shortly after the allegations.</p> <p>17 MR. KATAEV: Objection.</p> <p>18 Asked and answered.</p> <p>19 Q. I am now showing you the third</p> <p>20 page of D1907. Do you recall what, if</p> <p>21 anything, followed the last text message</p> <p>22 that appears to be cut off?</p> <p>23 A. From what I was told, I</p> <p>24 confidentially received the text messages</p> <p>25 and I took those text messages very</p>	<p style="text-align: right;">Page 61</p> <p>1 Jory Baron</p> <p>2 seriously and had a conversation with</p> <p>3 Leticia about everything. I told her that I</p> <p>4 had to speak with Ishaque to discuss it, and</p> <p>5 in fact if she was owed anything, if she was</p> <p>6 owed anything, she would indeed get paid.</p> <p>7 It showed that she quit, and I wanted to</p> <p>8 discuss if any money to the penny was owed</p> <p>9 as well as that was the complaint in the</p> <p>10 text message.</p> <p>11 I did then reach out to her again, and,</p> <p>12 and she was unable to take my call as you</p> <p>13 can see, she was at work. I reached out</p> <p>14 about my availability for the text message</p> <p>15 and then said to her, sent her a text</p> <p>16 message and she said, "Nevermind. I plan to</p> <p>17 go a different route."</p> <p>18 So, the answer that I promised to call</p> <p>19 her on the 28th is in fact incorrect as seen</p> <p>20 based on this message. There was no contact</p> <p>21 after this text message and no promise of</p> <p>22 it.</p> <p>23 Q. Let's backtrack for a second.</p> <p>24 When you said that you took the text message</p> <p>25 "very seriously," can you take us and walk</p>

<p style="text-align: right;">Page 62</p> <p>1 Jory Baron</p> <p>2 us through what specifically the steps were</p> <p>3 that were taken after you received this text</p> <p>4 message?</p> <p>5 A. In regard to the first text</p> <p>6 message, to clarify?</p> <p>7 Q. Right. You were talking about</p> <p>8 how you took it very seriously, et cetera.</p> <p>9 Please walk us back to the first page after</p> <p>10 you received this text message dated January</p> <p>11 24th, which continues onto the second page.</p> <p>12 A. Yes.</p> <p>13 Q. What did you do?</p> <p>14 A. I called Leticia and I wanted to</p> <p>15 speak to her to see what she had to say. I</p> <p>16 told her that I would have to speak with</p> <p>17 Ishaque again, because I am not there</p> <p>18 consistently, and the responsibility, again</p> <p>19 it does not fall within my responsibility.</p> <p>20 I had to find out from him in fact, if any</p> <p>21 monies and so on and so forth was owed. It</p> <p>22 is not my practice to withhold money from</p> <p>23 people, and indeed if it was owed to them.</p> <p>24 Again, long story short, I just wanted to</p> <p>25 speak to her and get her side and verify</p>	<p style="text-align: right;">Page 63</p> <p>1 Jory Baron</p> <p>2 with Ishaque.</p> <p>3 Q. When did you call her?</p> <p>4 A. So, I called her, I would say</p> <p>5 almost immediately after this text message.</p> <p>6 Shortly after the time stamp on this, and</p> <p>7 then after speaking with her, I immediately</p> <p>8 spoke with Ishaque. Then, as seen by the</p> <p>9 text, I tried to call her back, and I guess</p> <p>10 going back an hour or so after our initial</p> <p>11 conversation in which she then -- you can</p> <p>12 see her response.</p> <p>13 Q. So, after you read the text</p> <p>14 message, you did not text her back, instead</p> <p>15 you called her; is that correct?</p> <p>16 A. Yes. It is much easier to speak</p> <p>17 over-the-phone.</p> <p>18 Q. Then, can you walk through with</p> <p>19 me exactly what transpired during the</p> <p>20 conversation; in other words, who spoke</p> <p>21 first, who said what to whom and what was</p> <p>22 said in response?</p> <p>23 A. So, the summary, I cannot recall</p> <p>24 who spoke first except for the niceties of</p> <p>25 "hi, how are you? I am Jory, I am Jory</p>
<p style="text-align: right;">Page 64</p> <p>1 Jory Baron</p> <p>2 Baron."</p> <p>3 Again, I had not spoken or met her</p> <p>4 prior. After the niceties are exchanged,</p> <p>5 there was just an exchange of information in</p> <p>6 terms of what was going on, what happened</p> <p>7 "let me try to get to the bottom of it and I</p> <p>8 will speak to Ishaque to again see his side</p> <p>9 of the case, to see if indeed the</p> <p>10 allegations were correct that were brought</p> <p>11 forth in her text</p> <p>12 Again, upon hanging up the phone on that</p> <p>13 conversation, I would have looked into it</p> <p>14 and called her back and I spoke to Ishaque,</p> <p>15 and I did team call her back.</p> <p>16 Q. Let's backtrack for a second.</p> <p>17 What did she say to you during that</p> <p>18 telephone conversation?</p> <p>19 A. That she had quit and they just</p> <p>20 wanted to make sure if she got the pay for</p> <p>21 the deals that she believes she was</p> <p>22 potentially owed on. That her reason for</p> <p>23 quitting was due to her pay.</p> <p>24 Q. Did she say anything else to you</p> <p>25 besides what you have already mentioned?</p>	<p style="text-align: right;">Page 65</p> <p>1 Jory Baron</p> <p>2 A. Anything else?</p> <p>3 Q. Yes, during that telephone</p> <p>4 conversation.</p> <p>5 A. In regard to anything else</p> <p>6 pertaining to the above text, I can't recall</p> <p>7 any other niceties or former exchanges.</p> <p>8 Q. During that conversation, you</p> <p>9 said that you were going to check with</p> <p>10 Ishaque. Did you at that time tell her that</p> <p>11 you were going to get back to her, call her</p> <p>12 back or what did you say?</p> <p>13 A. Yes, I said "I would like to</p> <p>14 speak to Ishaque," and then I would call her</p> <p>15 back.</p> <p>16 Q. So, now let's turn to what</p> <p>17 happened next; what happened next after you</p> <p>18 hung up with Leticia, how soon thereafter</p> <p>19 did you call Ishaque?</p> <p>20 A. Immediately.</p> <p>21 Q. Then, you called Ishaque on his</p> <p>22 personal phone or did you call him on the</p> <p>23 Hillside Auto number?</p> <p>24 MR. KATAEV: Objection as</p> <p>25 to relevance. You can answer.</p>

<p style="text-align: right;">Page 66</p> <p>1 Jory Baron</p> <p>2 MS. TROY: If he knows.</p> <p>3 A. Most likely it would've been on</p> <p>4 his cell phone but I can't recall</p> <p>5 specifically. Ishaque's cell phone, yes.</p> <p>6 Q. Let's backtrack a second. The</p> <p>7 516 840-2524 number, what service provider</p> <p>8 did you use, and let's start from back in</p> <p>9 2018/2019?</p> <p>10 A. I know that the number -- the</p> <p>11 carrier was Verizon and it is still Verizon.</p> <p>12 Q. From 2018 until the present day,</p> <p>13 has it always been Verizon?</p> <p>14 A. It had been AT&T, but I don't</p> <p>15 know what time I switched.</p> <p>16 Q. Turning your attention back to</p> <p>17 this period of time which is roughly</p> <p>18 speaking from 2019 in January, were you in</p> <p>19 fact using Verizon or was it AT&T?</p> <p>20 A. I would again believe it was</p> <p>21 Verizon. But, I cannot exactly say. I</p> <p>22 can't confirm it exactly.</p> <p>23 Q. When you said that you called</p> <p>24 Ishaque, was it from your 516 840-2524</p> <p>25 number that you called him?</p>	<p style="text-align: right;">Page 67</p> <p>1 Jory Baron</p> <p>2 A. Yes.</p> <p>3 Q. Just to clarify, the only</p> <p>4 communications you had with Ishaque on this</p> <p>5 day, which was January 24th, was by phone;</p> <p>6 is that correct?</p> <p>7 A. I can't recall. But, I do know</p> <p>8 that I did speak with him via phone, though.</p> <p>9 Q. Let's take a look at the time</p> <p>10 stamp 10:56 a.m. Is that when you called</p> <p>11 Ishaque?</p> <p>12 A. Shortly after receiving the text</p> <p>13 message and after speaking with Leticia.</p> <p>14 MS. TROY: Emanuel, what</p> <p>15 are you talking about with</p> <p>16 your witness? I see that you</p> <p>17 are mumbling something.</p> <p>18 MR. KATAEV: I didn't</p> <p>19 mumble anything. I told him</p> <p>20 that there was a question</p> <p>21 pending and to wait for the</p> <p>22 question.</p> <p>23 MS. TROY: If you are</p> <p>24 going to talk with the</p> <p>25 witness, it is going to have</p>
<p style="text-align: right;">Page 68</p> <p>1 Jory Baron</p> <p>2 to be part of the record.</p> <p>3 For instance, if you have any</p> <p>4 directions, please just</p> <p>5 project so that the court</p> <p>6 reporter can write it down,</p> <p>7 your direction to the witness</p> <p>8 on the record. But, there</p> <p>9 should not be any</p> <p>10 communications between you</p> <p>11 and the witness that the</p> <p>12 court reporter does not take</p> <p>13 down.</p> <p>14 MR. KATAEV: That is fine.</p> <p>15 Q. When you called Ishaque, can you</p> <p>16 walk me through what was said during that</p> <p>17 telephone conversation?</p> <p>18 A. He had indicated as the text</p> <p>19 message that was received, it indicated, and</p> <p>20 he then told me that she had quit and that</p> <p>21 there was no money owed to her at that</p> <p>22 point. I did infer to him should we find</p> <p>23 that there were any deals that we should</p> <p>24 make sure that she got paid. He agreed, but</p> <p>25 at that time to his knowledge, there was no</p>	<p style="text-align: right;">Page 69</p> <p>1 Jory Baron</p> <p>2 money owed to her. Then, I would then</p> <p>3 communicate to her after speaking with him</p> <p>4 that anything that she had, that she</p> <p>5 would've had to follow-up with Ishaque.</p> <p>6 But, I had no role in helping resolve any</p> <p>7 issues.</p> <p>8 Q. What specifically did Ishaque</p> <p>9 say to you besides what you have already</p> <p>10 mentioned?</p> <p>11 A. Nothing that I can recall</p> <p>12 specifically. Again, most likely "how are</p> <p>13 you?"</p> <p>14 Q. When you said that he indicated</p> <p>15 with regard to the text messages that you</p> <p>16 received, did you at any point whether prior</p> <p>17 or after or during the telephone</p> <p>18 conversation screenshot the text messages</p> <p>19 and send it to Ishaque?</p> <p>20 A. Not that I can recall.</p> <p>21 Q. What was the conclusion at the</p> <p>22 end of the telephone call between you and</p> <p>23 Ishaque?</p> <p>24 A. The conclusion that was most</p> <p>25 likely no money was owed, but that we would</p>

<p style="text-align: right;">Page 70</p> <p>1 Jory Baron</p> <p>2 look into it and do our due diligence. That</p> <p>3 I would then call Leticia back, which I did,</p> <p>4 to let her know the process that would take</p> <p>5 place. Again, she was unable to answer my</p> <p>6 phone call in which she texted me back. You</p> <p>7 can see my text message responses, and she</p> <p>8 no longer wanted to have communications with</p> <p>9 me post that last attempt.</p> <p>10 Q. To clarify, after your one phone</p> <p>11 call with Leticia, were there any subsequent</p> <p>12 phone call conversations between you and</p> <p>13 her?</p> <p>14 A. I had my initial phone call and</p> <p>15 I attempted to call her back. As I said, I</p> <p>16 like to try to rectify these situations and</p> <p>17 her response was even in the text message,</p> <p>18 she said, I said "can I call you?" and I'm</p> <p>19 paraphrasing a little bit. I don't have the</p> <p>20 text message in front of me. But, that was</p> <p>21 the last attempt to communicate with her</p> <p>22 aside from the text message saying that I</p> <p>23 would be available for about 10 minutes or</p> <p>24 the following day. Again, I never shut</p> <p>25 anyone down if they have issues that they</p>	<p style="text-align: right;">Page 71</p> <p>1 Jory Baron</p> <p>2 want to try to resolve.</p> <p>3 Q. Going back to telephone</p> <p>4 conversations you had with Leticia, did you</p> <p>5 at any point tell her to "stop?"</p> <p>6 A. To stop what?</p> <p>7 Q. Did you say the word "stop" at</p> <p>8 all during that telephone conversation?</p> <p>9 A. No. Most likely not at all. I</p> <p>10 like to hear everybody's point and then let</p> <p>11 them speak. It's not in my nature to</p> <p>12 interrupt or tell someone or tell them to</p> <p>13 "stop."</p> <p>14 Q. Did you ever tell her to "stop</p> <p>15 ranting" during that telephone conversation?</p> <p>16 A. No, I can hardly even remember</p> <p>17 using the word "rant" in my life.</p> <p>18 Q. Did you in fact pay any amount</p> <p>19 that Leticia alleged that she was owed to</p> <p>20 Leticia?</p> <p>21 A. To the best of my ability,</p> <p>22 Ishaque handled whatever monies were owed to</p> <p>23 Leticia. That was to the best of my</p> <p>24 understanding.</p> <p>25 Q. To the best of your</p>
<p style="text-align: right;">Page 72</p> <p>1 Jory Baron</p> <p>2 understanding, after the telephone</p> <p>3 conversation between you and Ishaque, where</p> <p>4 you both sort of concluded that she was not</p> <p>5 owed any money, was any money paid to</p> <p>6 Leticia?</p> <p>7 A. I cannot recall, nor confirm.</p> <p>8 Again, I would just like to state that I had</p> <p>9 a conversation with Ishaque to look into the</p> <p>10 matter further and let him make the decision</p> <p>11 from there.</p> <p>12 Q. Between January 24th when you</p> <p>13 had this telephone conversation with Ishaque</p> <p>14 until January 28th, did you and Ishaque have</p> <p>15 any subsequent conversations either by phone</p> <p>16 or in-person?</p> <p>17 A. Not recalling specifically. I</p> <p>18 cannot recall.</p> <p>19 Q. Subsequent to the January 24th</p> <p>20 conversation between you and Ishaque that</p> <p>21 you just mentioned, when was the next</p> <p>22 conversation that you can recall between you</p> <p>23 and Ishaque about Leticia?</p> <p>24 A. Can you please re-ask the</p> <p>25 question?</p>	<p style="text-align: right;">Page 73</p> <p>1 Jory Baron</p> <p>2 Q. Sure. So, you had a</p> <p>3 conversation on January 24th with Ishaque</p> <p>4 about Leticia; is that correct?</p> <p>5 A. That is correct.</p> <p>6 Q. You said that you could not</p> <p>7 recall whether subsequent conversations with</p> <p>8 Ishaque took place.</p> <p>9 Now, my question for you is: of the</p> <p>10 conversations that you can recall, when was</p> <p>11 the next conversation, the date?</p> <p>12 A. I can't recall a specific date.</p> <p>13 But, as my business partner, we obviously</p> <p>14 did speak at some point after January 24th.</p> <p>15 Q. Was that specifically about</p> <p>16 Leticia?</p> <p>17 A. Again, I am sure that we did</p> <p>18 have a conversation. I don't know</p> <p>19 specifically, but that was put into his</p> <p>20 hands to handle.</p> <p>21 Q. Let's backtrack for a second: do</p> <p>22 you recall besides Leticia Stidhum, if there</p> <p>23 were any female, any other female car</p> <p>24 salespersons at Hillside Auto Outlet at the</p> <p>25 time?</p>

<p style="text-align: right;">Page 74</p> <p>1 Jory Baron</p> <p>2 A. I was not familiar with the</p> <p>3 staff at the time. So, I can't answer that</p> <p>4 properly.</p> <p>5 Q. Do you know who was the top car</p> <p>6 salesperson at the time at Hillside Auto</p> <p>7 Outlet?</p> <p>8 A. I cannot recall, nor -- I said,</p> <p>9 nor was I familiar with the staff at that</p> <p>10 time.</p> <p>11 Q. Now, turning your attention to</p> <p>12 Leticia Stidhum, how was she as a car</p> <p>13 salesperson?</p> <p>14 A. I cannot speak to that. Again,</p> <p>15 that was not my responsibility on a daily</p> <p>16 role.</p> <p>17 Q. Turning your attention now to</p> <p>18 again, the text message which was marked as</p> <p>19 Plaintiff's Exhibit 14, to your knowledge,</p> <p>20 did she sell 28 to 30 cars a month for</p> <p>21 Hillside Auto Outlet?</p> <p>22 A. I cannot answer that question.</p> <p>23 Again, I was unaware of who sold what during</p> <p>24 that time.</p> <p>25 Q. How about the 5 percent on any</p>	<p style="text-align: right;">Page 75</p> <p>1 Jory Baron</p> <p>2 deal made that was over \$3,000 or \$3,500?</p> <p>3 A. That was not my responsibility.</p> <p>4 So, I was unaware of the pay plan.</p> <p>5 Q. At any time during your</p> <p>6 conversations with Ishaque, did you at any</p> <p>7 point mention to Ishaque that Leticia said</p> <p>8 that she sold 20 to 30 cars a month?</p> <p>9 A. I cannot specifically recall</p> <p>10 that, any amount of units that she said she</p> <p>11 sold.</p> <p>12 Q. How about that she was number</p> <p>13 one for sales for a good seven to eight</p> <p>14 months?</p> <p>15 A. Again, I cannot remember</p> <p>16 specifically her status as a salesperson; if</p> <p>17 it was just in this phone call in relation</p> <p>18 to the amount of vehicles that she sold.</p> <p>19 Q. How about that Ishaque refused</p> <p>20 to pay her her last check that allegedly was</p> <p>21 addressed during the phone call?</p> <p>22 A. That allegation was addressed,</p> <p>23 again, because I take these text messages</p> <p>24 seriously and I wanted to make sure that</p> <p>25 there were no issues.</p>
<p style="text-align: right;">Page 76</p> <p>1 Jory Baron</p> <p>2 MR. KATAEV: Can we take a</p> <p>3 break?</p> <p>4 MS. TROY: We're going to</p> <p>5 take a break in five minutes,</p> <p>6 give or take.</p> <p>7 MR. KATAEV: I have to use</p> <p>8 the restroom.</p> <p>9 Q. How about 5 percent on any deal,</p> <p>10 did you mention this during your</p> <p>11 conversation with Ishaque?</p> <p>12 A. I cannot recall.</p> <p>13 Q. Did you mention that Leticia was</p> <p>14 pregnant during your conversation with</p> <p>15 Ishaque?</p> <p>16 A. I was unaware that she was until</p> <p>17 the text message, and I cannot recall if</p> <p>18 that was discussed.</p> <p>19 Q. The question is: during the</p> <p>20 telephone conversation that you had with</p> <p>21 Ishaque, did you mention just Leticia's</p> <p>22 paycheck or was it Leticia as well as David</p> <p>23 Manrique's paycheck?</p> <p>24 A. I can't recall.</p> <p>25 Q. How would you describe the tone</p>	<p style="text-align: right;">Page 77</p> <p>1 Jory Baron</p> <p>2 of the conversation, meaning between you and</p> <p>3 Leticia; what was her tone?</p> <p>4 A. I can't recall her tone.</p> <p>5 MS. TROY: Emanuel, do you</p> <p>6 guys want to take 5 minutes</p> <p>7 or 10 minutes or we can also</p> <p>8 take lunch. How much time do</p> <p>9 you need?</p> <p>10 MR. KATAEV: Let's come</p> <p>11 back at noon.</p> <p>12 MS. TROY: Let's just come</p> <p>13 back at noon. And the time</p> <p>14 now is 11:47.</p> <p>15 We are going to try keep</p> <p>16 this short, Emanuel.</p> <p>17 (A recess was taken from</p> <p>18 11:47 a.m. until 12:00 p.m.)</p> <p>19 MR. KATAEV: We are ready</p> <p>20 when you are.</p> <p>21 MS. TROY: Demand Number 2</p> <p>22 will be for the calls from</p> <p>23 516 840-2524; the numbers</p> <p>24 that were called from and</p> <p>25 everything other than the</p>

<p style="text-align: right;">Page 78</p> <p>1 Jory Baron</p> <p>2 calls to Leticia including</p> <p>3 any representative and</p> <p>4 parties of this lawsuit,</p> <p>5 including Ishaque Thanwalla</p> <p>6 and plaintiff Leticia Stidhum</p> <p>7 can be redacted.</p> <p>8 MR. KATAEV: Please</p> <p>9 follow-up in writing. Thank</p> <p>10 you.</p> <p>11 Q. Mr. Baron, do you recall how</p> <p>12 long the conversation was between you and</p> <p>13 Leticia?</p> <p>14 A. I cannot recall.</p> <p>15 Q. Do you recall how long the</p> <p>16 conversation between you and Ishaque was?</p> <p>17 A. I cannot recall.</p> <p>18 Q. Earlier during this deposition,</p> <p>19 you mentioned that you had reviewed the</p> <p>20 Interrogatories; is that correct?</p> <p>21 A. That is correct.</p> <p>22 Q. Did you review both the</p> <p>23 Interrogatories and the Supplemental</p> <p>24 Interrogatories?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 79</p> <p>1 Jory Baron</p> <p>2 Q. To the best of your knowledge,</p> <p>3 is everything contained in the</p> <p>4 Interrogatories and the Supplemental</p> <p>5 Interrogatories; correct?</p> <p>6 A. Yes.</p> <p>7 Q. How about for the document</p> <p>8 production responses and the supplemental</p> <p>9 document responses; to your knowledge, is</p> <p>10 the information contained in both of those</p> <p>11 documents; correct?</p> <p>12 A. Yes.</p> <p>13 Q. As to the document production</p> <p>14 responses as well as the supplemental</p> <p>15 document production responses that had to do</p> <p>16 with the actual operations, as well as the</p> <p>17 employment records at Hillside Auto Outlet</p> <p>18 for that type of response, to the best of</p> <p>19 your knowledge, did you, yourself have any</p> <p>20 personal knowledge of that?</p> <p>21 A. Can you clarify or repeat the</p> <p>22 question?</p> <p>23 MS. TROY: Sure, Ms.</p> <p>24 Luckman. If you don't mind</p> <p>25 reading back the last</p>
<p style="text-align: right;">Page 80</p> <p>1 Jory Baron</p> <p>2 question.</p> <p>3 (The reporter read back the</p> <p>4 last question)</p> <p>5 A. I would be lying if I didn't say</p> <p>6 that. I was confused by the question. If</p> <p>7 you can repeat it one more time.</p> <p>8 (The reporter read back the</p> <p>9 requested question again)</p> <p>10 A. (continuing) Not -- I would have</p> <p>11 to guess about the legal language, but I</p> <p>12 apologize. To the best of my knowledge that</p> <p>13 I can recall, again, there were certain</p> <p>14 things that were not my responsibility and I</p> <p>15 had to trust the people that provided those</p> <p>16 said documents.</p> <p>17 Q. Who were the said people that</p> <p>18 provided those documents; to clarify, let's</p> <p>19 start with the employment records?</p> <p>20 A. So, Deana at that time.</p> <p>21 Q. How about documents like the</p> <p>22 sales records, do you, yourself have any</p> <p>23 personal knowledge about what documents</p> <p>24 pertain to what response?</p> <p>25 A. That was not within my realm of</p>	<p style="text-align: right;">Page 81</p> <p>1 Jory Baron</p> <p>2 responsibility.</p> <p>3 Q. For those responses, you</p> <p>4 basically relied upon Ishaque and Deana to</p> <p>5 provide the appropriate responses; is that</p> <p>6 correct?</p> <p>7 A. For those records, that is</p> <p>8 correct.</p> <p>9 Q. Are you familiar with who was</p> <p>10 given access to the Dealertrack system at</p> <p>11 Hillside Auto Outlets?</p> <p>12 A. No.</p> <p>13 Q. If I were to show you paperwork</p> <p>14 from Hillside Auto Outlet car salespeople,</p> <p>15 would you be able to describe the pay stub</p> <p>16 for me?</p> <p>17 A. I am not familiar with the pay</p> <p>18 stub, just involved in relation to Hillside.</p> <p>19 Q. Do you know how to read a pay</p> <p>20 stub, but you don't have specific personal</p> <p>21 knowledge as to how employees were paid at</p> <p>22 Hillside Auto Outlet; is that correct?</p> <p>23 A. Yes, that was not within the</p> <p>24 realm of my responsibilities.</p> <p>25 Q. Are you familiar with a person</p>

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1 Jory Baron

2 by the name of Jeanique?

3 A. I am not familiar with that

4 person.

5 Q. How many days of the week did

6 Hillside employees work?

7 A. I'm not sure of employee's

8 schedule.

9 Q. What is your birthday?

10 A. My birthday?

11 Q. Yes.

12 A. [REDACTED].

13 Q. Are you familiar with David

14 Manrique?

15 A. I can't recall.

16 Q. Do you recall when Ishaque

17 traveled to Pakistan at the end of 2018?

18 A. I can't recall.

19 Q. Do you recall if employees were

20 provided with a particular break time at

21 Hillside Auto Outlet?

22 A. I cannot speak to the day-to-day

23 operations within the store.

24 Q. What, if any, policies were in

25 place at Hillside Auto Outlet with respect

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1 Jory Baron

2 that.

3 Q. Do you recall if there was a

4 robbery that took place at Hillside Auto

5 Outlet?

6 A. I cannot recall.

7 Q. Earlier you mentioned that you

8 recognize the name Andris Guzman. What is

9 your knowledge as to Andres Guzman's role

10 within Hillside Auto Outlet?

11 A. I am not familiar with nor was I

12 familiar with his role within the

13 dealership.

14 Q. Understood. You don't recognize

15 his name?

16 A. I recognize it, I saw it in the

17 lawsuit.

18 Q. So, you are only recognizing his

19 name because he is part of the lawsuit; is

20 that correct?

21 A. I cannot recall his name prior.

22 Q. Are you familiar with a program

23 called VIN V-I-N Solutions?

24 A. Yes, VIN Solutions, I am

25 familiar.

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1 Jory Baron

2 to discrimination?

3 A. New York State Labor Law and all

4 of the laws had to be provided, and a poster

5 had to be provided.

6 Q. Besides the poster, were there

7 any other policies that were in place?

8 A. I cannot speak to the day-to-

9 day.

10 Q. Have you ever interviewed any

11 potential hires for Hillside Auto Outlet?

12 A. No.

13 Q. How about for Hillside Auto

14 Mall?

15 A. No. I have nothing to do with

16 that store.

17 Q. Are you familiar with an

18 employee by the name of Lily who is a DMV

19 clerk at Hillside Auto Outlet?

20 A. No, I cannot recall.

21 Q. Do you recall if said employee

22 made a complaint about losing her job

23 because she was pregnant?

24 A. That was not part of my day-to-

25 day responsibilities and I cannot speak to

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1 Jory Baron

2 Q. To your knowledge, what is that

3 program?

4 A. It is a program that is

5 predominantly used in the industry.

6 MR. KATAEV: Let the

7 record reflect that the

8 plaintiff has now joined in

9 this virtual deposition by

10 and through her cell phone.

11 I'm just noting for the

12 record that the, she has just

13 come back onto the record at

14 12:13 p.m.

15 Q. What is your knowledge of VIN

16 Solutions, is it used within Hillside Auto

17 Outlet?

18 A. I'm not familiar with the day-

19 to-day usage within the store.

20 Q. Is it fair to say that VIN

21 Solutions did not log, does not log all the

22 customers because the customers would

23 include walk-in customers?

24 A. VIN Solutions is reliance on


25 certain salespeople's inputs.

<p style="text-align: right;">Page 86</p> <p>1 Jory Baron</p> <p>2 Q. In other words, VIN Solutions</p> <p>3 required manual entries by the car</p> <p>4 salespeople; is that correct?</p> <p>5 A. It does require manual entries</p> <p>6 by the salespeople.</p> <p>7 Q. Is it accurate to say that VIN</p> <p>8 Solutions typically understates the actual</p> <p>9 number of cars sold?</p> <p>10 MR. KATAEV: Objection to</p> <p>11 the form. You can answer.</p> <p>12 A. There is a discrepancy between</p> <p>13 the salesperson's input and the connection</p> <p>14 to the DMS. It is quite accurate for the</p> <p>15 DMS. It could also vary, but it is</p> <p>16 typically quite accurate due to its</p> <p>17 connection with the DMS.</p> <p>18 Q. What is your knowledge of</p> <p>19 Leticia's performance at Hillside Auto</p> <p>20 Outlet?</p> <p>21 A. I'm unaware of her sales</p> <p>22 performance.</p> <p>23 Q. To your knowledge, was Leticia</p> <p>24 ever disciplined?</p> <p>25 A. I cannot recall nor speak to</p>	<p style="text-align: right;">Page 87</p> <p>1 Jory Baron</p> <p>2 that.</p> <p>3 Q. Do you know if she was ever</p> <p>4 suspended?</p> <p>5 A. Again, I was not involved in the</p> <p>6 day-to-day, and I cannot speak to that.</p> <p>7 Q. During your time as a</p> <p>8 shareholder of Hillside Auto Outlet, were</p> <p>9 employees ever given written performance</p> <p>10 evaluations?</p> <p>11 A. I was not responsible for the</p> <p>12 day-to-day activities and I cannot speak to</p> <p>13 that.</p> <p>14 Q. Are you familiar with an</p> <p>15 individual by the name of David Parsons?</p> <p>16 A. Can you please repeat the last</p> <p>17 name?</p> <p>18 Q. Parsons.</p> <p>19 A. I am not familiar with that</p> <p>20 person.</p> <p>21 Q. How about an individual by the</p> <p>22 name of Sean or Shane, was he ever a car</p> <p>23 salesperson who worked at Hillside Auto</p> <p>24 Outlet?</p> <p>25 A. No, I cannot recall any</p>
<p style="text-align: right;">Page 88</p> <p>1 Jory Baron</p> <p>2 familiarity with him.</p> <p>3 Q. To your knowledge, did Leticia</p> <p>4 run the credit at Hillside Auto Outlet?</p> <p>5 A. I cannot speak to that due to my</p> <p>6 lack of role in the day-to-day</p> <p>7 responsibilities.</p> <p>8 Q. To your knowledge, besides the</p> <p>9 January 24th phone call that you described</p> <p>10 for us earlier, were there any other</p> <p>11 conversations that you had with Leticia</p> <p>12 subsequently?</p> <p>13 A. Not as shown in the text</p> <p>14 messages. She essentially -- she stated</p> <p>15 that there was no further need to</p> <p>16 communicate.</p> <p>17 Q. Do you recall what the time was</p> <p>18 for that text message, when was that text</p> <p>19 message received from Leticia?</p> <p>20 A. Which text message? From Leticia</p> <p>21 to me or from me to Leticia?</p> <p>22 Q. From her to you.</p> <p>23 A. Everything took place within --</p> <p>24 Q. Let me just show you so that we</p> <p>25 are clear. We're going to take a lunch</p>	<p style="text-align: right;">Page 89</p> <p>1 Jory Baron</p> <p>2 break shortly and I just ask you to search</p> <p>3 on your phone if you still have the text</p> <p>4 messages and please give it to Emanuel and</p> <p>5 Emanuel will be able to provide the text</p> <p>6 messages to the office. There are just some</p> <p>7 questions with respect to the completeness</p> <p>8 as well as other questions that are raised</p> <p>9 with respect to the production in its</p> <p>10 current form.</p> <p>11 MR. KATAEV: Hold on, I</p> <p>12 have to say something. The</p> <p>13 witness will not, does not</p> <p>14 have his phone with him. We</p> <p>15 will ask you to follow-up in</p> <p>16 a written demand and we will</p> <p>17 respond.</p> <p>18 Q. Mr. Baron, you don't have your</p> <p>19 phone on you?</p> <p>20 A. No. I did not want to be</p> <p>21 distracted during today's deposition.</p> <p>22 Q. Where is your phone?</p> <p>23 A. It is currently at home.</p> <p>24 Q. Did someone tell you to leave</p> <p>25 your phone at home for today's deposition?</p>

<p style="text-align: right;">Page 90</p> <p>1 Jory Baron</p> <p>2 A. I have a secondary number that I</p> <p>3 use for my work purposes, for messages. So,</p> <p>4 that's the phone that I typically carry.</p> <p>5 Q. Let's backtrack for a second.</p> <p>6 So, you said that you have two phones?</p> <p>7 A. I am now stating yes, but it did</p> <p>8 not come up before. I have recently gotten</p> <p>9 a secondary number this year, yes.</p> <p>10 Q. So, the secondary number is for</p> <p>11 non-emergencies or emergencies?</p> <p>12 A. No, it's not emergencies, it's</p> <p>13 the work phone. So, if I need it for</p> <p>14 messages or the contact with my wife. And</p> <p>15 it's okay, not for contacts, just such as</p> <p>16 for my wife, not customers.</p> <p>17 Q. Then you also have a work phone;</p> <p>18 is that correct?</p> <p>19 A. Yes. I wouldn't designate my</p> <p>20 work phone, but I use the 840-2524 for work</p> <p>21 due to privacy.</p> <p>22 Q. So, you have two phones, and one</p> <p>23 is the 516 840-2524 phone? That is the</p> <p>24 phone that you use to text and call Leticia,</p> <p>25 and you recently obtained a non-work phone,</p>	<p style="text-align: right;">Page 91</p> <p>1 Jory Baron</p> <p>2 which is basically for your family; is that</p> <p>3 correct?</p> <p>4 A. Yes. I was receiving calls and</p> <p>5 texts at all hours of the day and it was</p> <p>6 becoming quite annoying, to be honest. A</p> <p>7 secondary number gives me peace.</p> <p>8 Q. What you brought today is your</p> <p>9 non-work phone and what you left at home was</p> <p>10 your work phone?</p> <p>11 A. I would not designate it as a</p> <p>12 work phone, I would designate it as a second</p> <p>13 number, but yes.</p> <p>14 Q. When did you obtain your non-</p> <p>15 work phone?</p> <p>16 A. A few months ago.</p> <p>17 Q. So, as to any conversations that</p> <p>18 occurred via the phone with the plaintiff or</p> <p>19 with any of the co-defendants with respect</p> <p>20 to the present discrimination claim, the</p> <p>21 pregnancy discrimination claim, that</p> <p>22 would've occurred on your other phone and</p> <p>23 not the phone that you brought today; is</p> <p>24 that correct?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 92</p> <p>1 Jory Baron</p> <p>2 MS. TROY: Demand number 3</p> <p>3 will be for the full and</p> <p>4 complete text messages</p> <p>5 between Jory Baron and</p> <p>6 Leticia Stidhum. The</p> <p>7 timeframe will be essentially</p> <p>8 from January of 2019 to the</p> <p>9 present day. But,</p> <p>10 specifically, we are looking</p> <p>11 for any messages that may</p> <p>12 have been sent or received</p> <p>13 after the third page, which</p> <p>14 was cut off, and produced</p> <p>15 only this morning.</p> <p>16 Q. Do you recall when you sent this</p> <p>17 text message that is on the screen? For the</p> <p>18 record, we are looking on page 3 of</p> <p>19 Plaintiff's Exhibit 14. I am talking about</p> <p>20 the message right after the gray message,</p> <p>21 which is timestamped Thursday, January 24th</p> <p>22 at 12:50 p.m. The reply, that message does</p> <p>23 not have a timestamp.</p> <p>24 A. So, I can only assume that it</p> <p>25 was shortly after her 12:50 text.</p>	<p style="text-align: right;">Page 93</p> <p>1 Jory Baron</p> <p>2 Q. How about the message that</p> <p>3 happened after the gray message that begins</p> <p>4 "okay, give me a second to step out."</p> <p>5 A. I can again only assume because</p> <p>6 I was only available for 10 minutes and</p> <p>7 responded immediately on the same day.</p> <p>8 Then, as you can see she then wrote her</p> <p>9 response thereafter.</p> <p>10 Q. Do you know what was the time</p> <p>11 between the two gray messages?</p> <p>12 A. I cannot give you specifics.</p> <p>13 But, I can tell you that it was not very</p> <p>14 long.</p> <p>15 MS. TROY: Let's now just</p> <p>16 take a quick lunch break from</p> <p>17 now to what time is good for</p> <p>18 everyone?</p> <p>19 MR. KATAEV: We're going</p> <p>20 to go outside the building.</p> <p>21 It's probably going to take a</p> <p>22 little bit longer.</p> <p>23 Let's come back then at</p> <p>24 1:15.</p> <p>25 (A recess was taken from</p>

<div>Page 94</div> <div>1 Jory Baron</div> <div>2 12:30 p.m. until 1:16 p.m.)</div> <div>3 MS. TROY: It is now 1:16</div> <div>4 and we are back on the</div> <div>5 record.</div> <div>6 Q. Are you familiar with an</div> <div>7 individual by the name of Ali A-L-I R-A-S-K-</div> <div>8 E-S-N-I-A?</div> <div>9 A. To answer your question, no, I</div> <div>10 am not familiar with that name.</div> <div>11 Q. How about Iris Serrano, S-E-R-R-</div> <div>12 A-N-O?</div> <div>13 A. Iris? No, I am not familiar</div> <div>14 with that name.</div> <div>15 Q. Let's backtrack for a second.</div> <div>16 Before the break you mentioned an individual</div> <div>17 by the name of Jeanique. For context,</div> <div>18 Jeanique was the manager at Hillside Auto</div> <div>19 Outlet, and let me just ask you again: are</div> <div>20 you familiar with that individual?</div> <div>21 A. No, I'm not familiar with that</div> <div>22 individual.</div> <div>23 Again, sporadically again, maybe I</div> <div>24 saw a face, but the name, no.</div> <div>25 MS. TROY: Let's mark</div>	<div>Page 95</div> <div>1 Jory Baron</div> <div>2 Plaintiffs 15.</div> <div>3 (Plaintiffs Exhibit 15 marked</div> <div>4 for identification.)</div> <div>5 Q. I am now showing you Plaintiff's</div> <div>6 Exhibit 15, a Verification.</div> <div>7 A. Yes.</div> <div>8 Q. Do you recognize your signature</div> <div>9 on this page?</div> <div>10 A. Yes, I do.</div> <div>11 Q. Do you recall when you signed</div> <div>12 this document?</div> <div>13 A. I can't give you the exact date.</div> <div>14 But, it was not too long ago.</div> <div>15 MR. KATAEV: I can</div> <div>16 represent for the record,</div> <div>17 that it was the day that I</div> <div>18 emailed to you, I think it</div> <div>19 was February 3rd, Friday,</div> <div>20 February 3rd I believe.</div> <div>21 MS. TROY: Okay. For the</div> <div>22 record, I still have not</div> <div>23 received the Verification of</div> <div>24 Deana Jennings and Andris</div> <div>25 Guzman.</div>
<div>Page 96</div> <div>1 Jory Baron</div> <div>2 MR. KATAEV: I received</div> <div>3 it, I have not forwarded to</div> <div>4 you and I should have</div> <div>5 Guzman's, you should have it</div> <div>6 on Monday. Also, maybe I</div> <div>7 will stay with him today and</div> <div>8 get his notarized and I'll</div> <div>9 work on the others as well.</div> <div>10 MS. TROY: That is fine.</div> <div>11 I have no other questions for</div> <div>12 you. Thank you for your</div> <div>13 time.</div> <div>14 THE WITNESS: No problem.</div> <div>15</div> <div>16 [Time noted: 1:20 p.m.]</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>Page 97</div> <div>1</div> <div>2</div> <div>3 WITNESS EXAMINATION BY PAGE</div> <div>4 Jory Baron Ms. Troy 23</div> <div>5 PLAINTIFF EXHIBITS</div> <div>6 Number Description PAGE</div> <div>7</div> <div>8 EX 13 Mr. Baron's driver's license 6</div> <div>9 (To be Deemed marked)</div> <div>10 EX 14 D1905 to D1907 56</div> <div>11 EX 15 Verification 94</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>

<p style="text-align: right;">Page 98</p> <p>1</p> <p>2</p> <p>3 REQUESTS</p> <p>4 Number Description PAGE</p> <p>5 1 MS. TROY: Demand No. 1 is, 6</p> <p>6 I'm going to make a demand</p> <p>7 for Mr. Baron's driver's license.</p> <p>8 2 MS. TROY: Demand No. 2 is, 56</p> <p>9 Emanuel, are you going to</p> <p>10 produce the full text messages?</p> <p>11 3 MS. TROY: Demand No. 3 is, 78</p> <p>12 the calls from 516 840-2524.</p> <p>13 The numbers that were called</p> <p>14 from and everything other</p> <p>15 than the calls to Leticia</p> <p>16 including any representative</p> <p>17 and parties of this lawsuit,</p> <p>18 including Ishaque Thanwalla</p> <p>19 and plaintiff Leticia Stidhum</p> <p>20 can be redacted.</p> <p>21 4 MS. TROY: Demand No. 4 is, 92</p> <p>22 for the full and complete</p> <p>23 text messages between Jory</p> <p>24 Baron and Leticia Stidhum.</p> <p>25 The timeframe will be</p>	<p style="text-align: right;">Page 99</p> <p>1</p> <p>2 essentially from January</p> <p>3 of 2019 to the present day.</p> <p>4 But, specifically, we are</p> <p>5 looking for any messages</p> <p>6 that may have been sent or</p> <p>7 received after the third page,</p> <p>8 which was cut off, and produced</p> <p>9 only this morning.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 100</p> <p>1</p> <p>2 QUESTIONS MARKED FOR A RULING: PAGE/LINE</p> <p>3 (None)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 101</p> <p>1</p> <p>2 ACKNOWLEDGMENT</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>5)s.s.</p> <p>6 COUNTY OF SUFFOLK)</p> <p>7 I, JORY BARON, hereby certify that</p> <p>8 I have read the transcript of my testimony</p> <p>9 taken under oath in my deposition of March</p> <p>10 03, 2023; that the transcript is a true,</p> <p>11 complete and correct record of my</p> <p>12 testimony, and that the answers on the</p> <p>13 record as given by me are true and correct.</p> <p>14</p> <p>15</p> <p>16 _____</p> <p>17 JORY BARON</p> <p>18</p> <p>19 Signed and subscribed before me</p> <p>20 this ____ day of _____, 2023.</p> <p>21</p> <p>22</p> <p>23 _____</p> <p>24 Notary Public</p> <p>25</p>

Page 102		Page 103	
1	C E R T I F I C A T E	1	Errata Sheet
2		2	
3	STATE OF NEW YORK)	3	NAME OF CASE: LETICIA FRANCINE STIDHUM -against- 161-10 HILLSIDE AUTO AVE, LLC
4)s.s.	4	DATE OF DEPOSITION: 03/03/2023
5	COUNTY OF NASSAU)	5	NAME OF WITNESS: JORY BARON
6		6	Reason Codes:
7	I, LYNN LUCKMAN, a Shorthand	7	1. To clarify the record.
8	Reporter and Notary Public within and for	8	2. To conform to the facts.
9	the State of New York, do certify that:	9	3. To correct transcription errors.
10	THAT the witness whose deposition	10	Page ____ Line ____ Reason ____
11	is hereinbefore set forth, was duly sworn by	11	From ____ to ____
12	me, and that such deposition is a true	12	Page ____ Line ____ Reason ____
13	record of the testimony given by such	13	From ____ to ____
14	witness.	14	Page ____ Line ____ Reason ____
15	I further certify that I am not	15	From ____ to ____
16	related to any of the parties to this action	16	Page ____ Line ____ Reason ____
17	by blood or marriage; that I am in no way	17	From ____ to ____
18	interested in the outcome of this matter.	18	Page ____ Line ____ Reason ____
19	IN WITNESS WHEREOF, I have	19	From ____ to ____
20	hereunto set my hand this 20th day of March,	20	Page ____ Line ____ Reason ____
21	2023.	21	From ____ to ____
22		22	Page ____ Line ____ Reason ____
23	<u>LYNN LUCKMAN</u>	23	From ____ to ____
24		24	
25		25	